

A G E N D A

General Plan/LCP Implementation Committee

April 25, 2007

3:30 p.m.

City Council Chambers

1. Approve Action Minutes from April 11, 2007 Meeting
Attachment 1 3:30-3:35
2. Zoning Code Rewrite – Approval of Revised Identified Issue List
Attachment 2 3:35-3:45
3. Zoning Code Rewrite – LCP Implementation Plan Provisions for Coastal
Bluff Protection
Attachment 3 3:45-5:15
4. Items for Future Agenda 5:15- 5:25
5. Public Comments on non-agenda items 5:25-5:30



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES April 11, 2007

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, April 11, 2007**

Members Present:

X	Ed Selich, Mayor Pro Tem, Chairman
	Steve Rosansky, Mayor
X	Leslie Daigle, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

	Mark Cross
	Larry Frapwell
X	William Guidero
X	Ian Harrison
X	Brion Jeannette
X	Don Krotee
X	Todd Schooler
X	Kevin Weeda
X	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
	Robin Clauson, City Attorney
	Patrick Alford, Senior Planner
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

Committee Actions

Agenda Item No. 3

Motion: Ed Selich moved to direct staff to prepare a revised list of Identified Issues to move those determined to be a priority by the Committee to the front.

Vote: 5 Ayes, 1 Absent

Agenda Item No. 4

Motion: Robert Hawkins moved that a discussion of bluff regulations shall be placed on the next agenda.

Vote: 5 Ayes, 1 Absent

DRAFT

CITY OF NEWPORT BEACH

ZONING CODE UPDATE

DISPOSITION OF IDENTIFIED ISSUES

Issues		Proposal Task
	Priority Issues	
1	Coastal bluffs protection and regulations	2.2, 2.3
2	Residential setbacks to remain on District Maps vs. a more general regulation	2.2
3	Alternatives to FAR for regulating size and bulk of houses	2.2
4	Residential neighborhood character: Design standards or guidelines without a formal review process	2.3
5	Commercial interfaces with nonresidential uses and buffering requirements	2.2, 2.3
6	Nonconforming provisions	2.4
7	Local Coastal Program Implementation Plan - Coordinate with staff	2
8	Height and grade regulations	2.3
	Other Issues	
9	New districts, including additional residential density categories, additional commercial categories, mixed-use districts and possible overlay zones to implement new General Plan	2.2
10	Inclusionary housing requirements	2.3
11	Flexible zoning provisions to encourage development of desirable uses	2.3
12	Incentives/restrictions for waterfront uses	2.3
13	Incentives for marine businesses in West Newport Mesa	2.3
14	Prohibition of onshore facilities for offshore oil and gas production	2.2
15	Stronger waterfront access requirements	2.3
16	Public view protection	2.3
17	Revision of definitions	2.2
18	Revision of use classifications/tables	2.2
19	Modification Permit Chapter	2.4
20	Accessory structure regulations	2.3
21	Eating and drinking establishment regulations	2.3
22	Chapter 20.86 (Low and Moderate Income Housing in the Coastal Zone)	2.3
23	Convert Specific Plans to conventional zoning or overlay zones	2.2, 5
24	Transfer of Development Rights	2.3
25	Lot consolidation incentives (West Newport, Old Newport Boulevard, Mariners' Mile)	2.2 , 2.3
26	Minimum standards for residential outdoor living area/open space	2.3
27	Commercial parking standards and in-lieu fee	2.3

CITY OF NEWPORT BEACH

ZONING CODE UPDATE

28	Residential parking requirements based on size of homes	2.3
29	Establish lighting standards for commercial and residential uses	2.3
30	Review all Specific Plans and convert to conventional zoning, overlays, or specific plans as defined in State law	5
31	Standards for commercial parking on residential lots in Corona del Mar	2.3
32	New provisions for rebuilding nonconforming commercial floor area in Corona del Mar	2.2, 2.3
33	Natural habitat protection regulations for development adjacent to Buck Gulley and Morning Canyon	2.3

Memorandum

To: General Plan/LCP Implementation Committee
From: James Campbell, Senior Planner
Date: April 20, 2007
Re: LCP Implementation Plan Provisions for Coastal Bluff Protection

The Committee decided to use this meeting to review LCP Implementation Plan provisions for coastal bluff protection, which the former LCP Certification Committee started to review, because we have drafts of these provisions and the zoning consultants have not had time to prepare any material for review yet. This memorandum and attachments provide background information for the Committee to begin their review of these provisions.

The Coastal Land Use Plan (CLUP) is included as Attachment A; implementing regulations that would be applicable to development of coastal bluff properties within the Coastal Zone comprise Attachment B; draft definitions for the implementing regulations are in Attachment C; a set of guidelines for lots in Corona del Mar where development on the bluff face is allowed are Attachment D; and minutes of the LCP Certification Committee related to these provisions are provided in Attachment E.

The CLUP contains a set of policies regarding scenic and visual resources in the Coastal Zone, including coastal bluffs. These policies are within Chapter 4.4 and begin on Page 4-70 and end on Page 4-80 of the CLUP. The CLUP also contains a number of definitions within its glossary beginning on Page 5-1. Following is a basic summary of the policies contained within the CLUP regarding visual resources protection and coastal bluffs; additional policies applicable to coastal bluff development are within Chapter 4.4.

The following basic principles are provided in policy and apply in all circumstances:

Policy 4.4.1-1 - Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.

Policy 4.4.1-2 - Design and site new development, including landscaping, so as to minimize impacts to public coastal views.

Policy 4.4.1-3 - Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.

In most cases, existing development is landward of the bluff edge and development may not encroach into a minimum 25-foot bluff edge setback (Policy 4.4.3-3). Setbacks are increased where there is bluff instability to provide 75-year economic life for a new structure (Policy 4.4.3-3 & 4.4.3-7). New shoreline protective devices may not be employed and policy requires property owners to waive their right to install them in the future (Policies 2.8.1-4, 2.8.6-10 & 4.4.3-7).

Developing on the bluff face is prohibited, except where existing principal structures already exist on the bluff faces (Pacific Drive, Carnation Avenue and Ocean Boulevard). New development on a bluff face in these specific areas can occur provided it is within the predominant line of existing development.

Policy 4.4.3-8 - Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

Policy 4.4.3-9 - Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.

The following policy provides that alteration of a coastal bluff must be minimized to the maximum extent feasible and it provides several techniques achieve the goal.

Policy 4.4.3-12 - Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible, such as:

- A. Siting new development on the flattest area of the site, except when an alternative location is more protective of coastal resources.*
- B. Utilizing existing driveways and building pads to the maximum extent feasible.*
- C. Clustering building sites.*
- D. Shared use of driveways.*
- E. Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design.*
- F. Utilizing special foundations, such as stepped, split level, or cantilever designs.*
- G. Detaching parts of the development, such as a garage from a dwelling unit.*
- H. Requiring any altered slopes to blend into the natural contours of the site.*

Attachments

- A. Coastal Land Use Plan (separate)
- B. Draft CLUP Implementation Plan regulations related to coastal bluffs
- C. Draft CLUP Implementation Plan definitions
- D. Draft Corona del Mar Bluff Development Guidelines
- E. LCP Certification Committee Minutes

Coastal Land Use Plan

Separate bound document

***Excerpt of the Draft CLUP Implementation Plan
Coastal Bluff Regulations***

835 Scenic and Visual Resources

- A. Purpose. The purpose of this section is to insure that development shall be sited and designed to Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.
- B. Initial Evaluation. Any coastal development permit application involving the construction of a new building or the expansion of an existing building and having one or more of the characteristics listed below, shall be reviewed to evaluate the development's impact to a public viewshed or the scenic and visual qualities of the coastal zone.
 - 1. The project site is located between the first public roadway paralleling ocean, bay, harbor, channels, estuary, marsh, or slough.
 - 2. The project site is located on a coastal bluff or canyon.
 - 3. The project site is adjacent to a public view point, coastal view road, public park or beach, or public accessway.
 - 4. The project site contains significant natural landforms or natural vegetation.
- C. Visual Impact Analysis. If the initial evaluation indicates that the project may result in significant impacts impact to a public viewshed or the scenic and visual qualities of the coastal zone, the Planning Director may require a site-specific visual impact analysis to determine and quantify impacts to the visual quality of the area and to visual access and identify mitigation measures designed to reduce or eliminate those impacts.
- D. Design and Siting.
 - 1. Development shall be designed and sited to minimize impacts to public coastal views and, where feasible, enhance the scenic and visual qualities of the coastal zone.
 - 2. Where appropriate, new development shall provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.

3. Development on the edges of public coastal view corridors, including those down public streets, shall be designed and sited, to frame and accent public coastal views.
4. Where feasible, development shall incorporate setbacks that, in conjunction with setbacks on adjacent properties, form functional view corridors.
5. Where feasible, larger development shall cluster buildings to provide open corridors to create new and expand and enhance existing public viewsheds.
6. Where feasible, development along coastal view roads shall prevent an appearance of the public right-of-way being walled off from the public viewsheds.

E. Landscaping.

1. Landscape improvements shall be installed and maintained to assure that landscape materials do not obscure or block public coastal views at maturity.
2. Landscaping within public view corridors shall be limited to low-growing species that will not obscure or block public coastal views.
3. Development on the edges of public coastal view corridors including those down public streets, shall be designed and sited, to frame and accent public coastal views.

F. Signs.

1. New billboards and roof top signs are prohibited (see Section 460).
2. Freestanding signs shall be designed and sited to assure that they do not obscure or block public coastal views.

G. Rooftop Mechanical Equipment. The design and location of rooftop mechanical equipment and any required screening devices shall be considered early in the design process and identified on building plans to insure that such equipment will not obscure or block public coastal views.

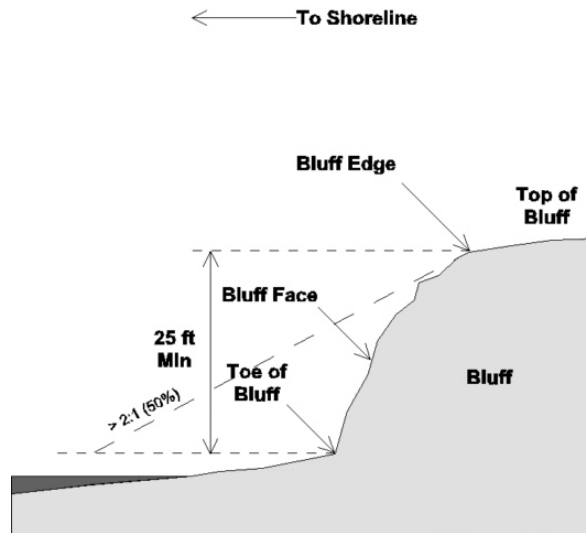
H. Utilities. In non-residential districts, new utility connections and appurtenant and associated utility equipment shall be placed underground unless the Public Works Director determines that undergrounding is physically infeasible.

- I. Antennas: The design and location of antennas and any required screening devices shall be considered early in the design process and identified on building plans to insure that such equipment will not obscure or block public coastal views.
- J. Landform Alteration. Development shall be designed and sited to minimize the alteration of gullies, ravines, rock outcroppings, and other natural landforms and the removal of native vegetation. Site design and construction techniques include, but not limited to the following:
 - 1. Siting development on the flattest area of the site, except when an alternative location is more protective of coastal resources.
 - 2. Utilizing existing driveways and building pads to the maximum extent feasible.
 - 3. Clustering building sites.
 - 4. Shared use of driveways.
 - 5. Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design.
 - 6. Utilizing special foundations, such as stepped, split level, or cantilever designs.
 - 7. Detaching parts of the development, such as a garage from a dwelling unit.
 - 8. Requiring any altered slopes to blend into the natural contours of the site.

840 Coastal Bluff Protection

- A. Purpose. This section provides requirements for development on properties with coastal bluffs. The intent of this section is to ensure the preservation of coastal bluffs that are in their natural state or have undergone minor landform alteration, minimize landform alteration of coastal bluffs in developed areas, and protect and, where feasible, enhance the scenic and visual qualities of the coastal bluffs.
- B. Applicability. The requirements of this section shall apply to all development on property, portions of which have a coastal bluff with a bluff face with a natural gradient in excess of 50 percent (50 feet of vertical distance for each 100 feet of horizontal distance) with a minimum elevation differential of 25 feet.

- C. Measurement. The gradient of the bluff face and elevation differential shall be measured between the toe of the bluff and the bluff edge.



- D. Development Regulations.

1. Hazardous Areas. Development located on a bluff top shall be set back from the bluff edge a sufficient distance to ensure stability, that it will not be endangered by erosion, and to avoid the need for protective devices during the projected 75-year economic life of the structure. The appropriate setback shall be based on a site-specific slope stability analysis and erosion rate estimate by a licensed Certified Engineering Geologist or Geotechnical Engineer (see Section 425: Development in Hazardous Areas).
 - a. Slope Stability. To assure stability, the development shall be set back from the bluff edge to maintain a minimum Factor of Safety of 1.5 against landsliding for the projected 75-year economic life of the structure.
 - b. Long-term Erosion. To insure development is not endangered by erosion, development shall be set back a sufficient distance from the bluff edge to be safe from bluff erosion for the projected 75-year economic life of the structure.
2. Development on the Bluff Face. Development on the coastal bluff face shall be prohibited, with the following exceptions:
 - a. Public Improvements. Public improvements providing public access, protecting coastal resources, or providing for public safety.

Such improvements shall only be permitted when no feasible alternative exists.

- b. Corona del Mar. Properties on the seaward side of Carnation Avenue, Ocean Boulevard, and Pacific Drive, subject to the *Corona del Mar Bluff Development Guidelines*.
- c. Takings. On properties where the decision-making authority has determined that, the application of such a limitation would result in a taking of private property.

3. Bluff Edge Setbacks.

- a. PC Districts. The following minimum setbacks from the bluff edge shall be maintained for development in PC Districts:

(1) Existing Planned Communities.

Planned communities adopted prior to the certification of the Local Coastal Program shall maintain setbacks from the bluff edge established by the approved site plan. In no case shall development be set back less than 60 feet.

(2) New Planned Communities.

Planned communities adopted after the certification of the Local Coastal Program shall provide an area inland from the edge of the bluff adequate to provide safe public access and to avoid or minimize visual impacts. In no case shall development be set back less than 100 feet.

- b. Other Districts. The following bluff edge setback lines shall be maintained for principal structures and accessory buildings in excess of 150 square feet:

(1) Dover Shores.

- (a) Galaxy Drive 1300 Block: 44 feet
- (b) Galaxy Drive 1400-1500 Block: 25 feet
- (c) Galaxy Drive 1600-200 Block: 28 feet
- (d) Mariner's Drive: 25 feet

(2) Shorecliffs.

- (a) Shorecliff Road 101-111 Block: 19 feet

(b) Shorecliff Road 157-183 Block: 36 feet

(3) Cameo Shores: 22 feet

Accessory buildings of 150 square feet or less and accessory structures shall be set back at a minimum of 5 feet from the bluff edge.

(4) Irvine Terrace. As depicted on the Coastal Zoning Map.

(5) Other Areas. In all other areas, development shall maintain a minimum 25 foot setback from the bluff edge for principal structures and accessory buildings in excess of 150 square feet and a 10 foot setback for accessory buildings of 150 square feet or less and accessory structures.

d. Exceptions. Bluff edge setbacks shall be modified or waived under the following circumstances:

(1) Where the coastal bluff is subject to marine erosion, the principal building, swimming pools, and accessory buildings in excess of 150 square feet shall be set back a minimum of 25 feet from the bluff edge and accessory structures shall be set back a minimum of 10 feet.

(2) The bluff edge setback line shall be increased as required by the slope stability analysis and erosion rate estimate required by Section 840 (D-1).

(3) Where development is permitted on the bluff face pursuant to Section 840 (D-2).

(4) The bluff edge setback shall not apply to development located adjacent to public open space areas that were dedicated for the preservation of the bluff face or for public access.

(5) Where existing development on either side of the subject property does not conform to the bluff edge setback, the bluff edge setback shall be modified using the Stringline Setback Procedure contained in Section 855.

E. Landform Alteration. Development on the bluff face permitted pursuant to Section 840 (D-2) shall minimize alteration of those portions of the bluff face with slopes in excess of 50 percent (2:1 slope) with a minimum elevation differential of

25 feet. Development shall employ site design and construction techniques, including those identified in Section 835 (K), to minimize alteration of coastal bluffs.

- F. Public Views. Public views of coastal bluffs, including those from the bay and ocean, shall be protected and, where feasible, enhanced. Development, including landscaping, located within 100 feet of the edge of the bluff edge shall be designed and sited to protect the scenic and visual qualities of coastal bluffs, minimize the removal of native vegetation and preserve rock outcroppings.
- G. Landscaping. Landscaping within 100 feet of the bluff edge shall provide a transition area between developed areas and natural habitats, control invasive species, and incorporate irrigation systems and native or drought-tolerant vegetation into the design to minimize coastal bluff recession. Landscaping materials shall be selected and sited to minimize impacts to public views at maturity.
- H. Erosion Control Plan. Applications for development located within 100 feet of the bluff edge involving substantial alterations to existing buildings or site design, or construction of new buildings shall include a site-specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.
- I. Unauthorized Structures. All unauthorized structures, including protective devices, fences, and stairways, which encroach into coastal bluffs shall be removed.
- J. Swimming Pools. Swimming pools shall incorporate leak prevention and detection measures.

845 Coastal Canyon Protection

- A. Purpose. This section provides requirements for development on properties with coastal canyons. The intent of this section is to ensure that the natural landform and vegetation of coastal canyons are protected as distinctive visual features of the coastal zone.
- B. Applicability. The requirements of this section shall apply to all development on any property that contains a segment of the canyon edge of Buck Gully or Morning Canyon.

- C. Canyon Edge Setback. Development shall not extend beyond the line of existing development established by the Stringline Setback Procedure contained in Section 855.
- D. Landform Alteration. Development shall minimize alteration of those portions of the canyon face with slopes in excess of 50 percent (2:1 slope) with a minimum elevation differential of 25 feet. Development shall employ site design and construction techniques, including those identified in Section 835 (D), to minimize alteration of the canyon face.
- D. Erosion Control Plan. Applications for development involving substantial alterations to existing buildings or site design, or construction of new buildings shall include a site-specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize erosion and sedimentation and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible.

855 Stringline Setback Procedure

- A. Stringline Setback Procedure. Development subject to the Stringline Setback Procedure shall not extend beyond a line of existing development drawn between nearest adjacent corners of existing structures on either side of the subject property.
- B. Setbacks Lines. A stringline setback line shall be established for each of the following types of development:
 - 1. Principal Building. The main or principal building on the lot or development site.
 - 2. Platforms, Covers, and Overhangs. Balconies, decks, porches, and similar platforms attached to a building, patio covers, awnings, and similar covers attached to a building, and eaves and overhangs more than 2 feet, six inches wide. In cases, where no adjacent platform, cover, or overhang exists, the principal building shall be used.
 - 3. Accessory Buildings. Detached garages, storage buildings, gazebos, covered decks, and other accessory buildings. In cases, where no adjacent accessory building exists, the principal building shall be used.
 - 4. Accessory Structures. Uncovered patios, detached uncovered decks, pools and spas, fences, walkways, stairs, and similar accessory structures.

- C. Approved Future Development. Stringline setback lines shall be drawn from any approved, yet undeveloped, buildings and structures for which there is a valid coastal development permit.
- D. Modification. The stringline setback lines established by this section may be modified by the decision-making authority if alternative development siting is necessary to protect, restore, or enhance public coastal views or other coastal resources.

***Excerpt of the Draft CLUP Implementation Plan
Definitions***

ARTICLE 12**DEFINITIONS/GLOSSARY**

Sections:

1210 Purpose

1220 Definitions of Specialized Terms and Phrases

1210 Purpose

This Article provides definitions of terms and phrases used in this Implementation Plan that are technical or specialized, or that may not reflect common usage. If a word or phrase is not defined in this Article, the Planning Director shall determine the most appropriate definition.

1220 Definitions of Specialized Terms and Phrases

As used in this Implementation Plan, the following terms and phrases shall have the meaning ascribed to them in this Article, unless the context in which they are used clearly requires otherwise.

A. Definitions: A

Abutting or adjoining: Having district boundaries or lot lines in common.

Abandoned: To cease or suspend from developing or maintaining a building or use for a stated period of time.

Accretion: Enlargement of a beach area caused by either natural or artificial means. Natural accretion on a beach is the build-up or deposition of sand or sediments by water or wind. Artificial accretion is a similar build-up due to human activity, such as the accretion due to the construction of a groin or breakwater, or beach fill deposited by mechanical means.

Access: Safe, adequate, and usable ingress or egress to a property or use.

Acre, Gross: A measure of land area. For purposes of calculating residential density or intensity of development, a "gross acre" shall exclude existing, dedicated rights-of-way.

Administrative Action or Decision: A discretionary action taken by a City official other than an elected or appointed official.

Aggrieved Person: Any person who testified personally or through a representative at a public hearing or who informed the Planning Department prior to a hearing of an interest in the subject of a hearing; or who, for good cause, was unable to do either.

Alley: A public or private way permanently reserved primarily for vehicular service access to the rear or side of properties which otherwise abut on a street. An alley shall not be considered a street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing structure.

Alteration, Structural: Any change or replacement in the supporting members of a building such as bearing walls, columns, beams or girders.

Amateur Radio Antennas: Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Animal, Domestic: Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large: An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Appealable Area: That portion of the coastal zone within an appealable area boundary as established by the Permit and Appeal Jurisdiction Map.

Applicant: Owner(s) or lessee(s) of property, or person(s) who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits, applying for permits under this Implementation Plan, or the agent(s) of such persons. This term includes the successor(s) of such persons.

Aquaculture: A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

Area, Buildable: The area of a development site, excluding any basic minimum side, front and rear setback spaces, required for buildings three stories or less in height.

Area, Floor: (See Floor Area, Net and Floor Area, Gross).

Area, Lot, Parcel, or Site: The horizontal area within the property lines excluding public-access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Area, Net Public: The total area used to serve customers, including, but not limited to, customer sales and display areas, customer seating areas, service counters, and service queue and waiting areas, but excluding restrooms and offices, kitchens, storage and utility areas, and similar areas used by the employees of the establishment.

Awning: An ornamental roof-like cover attached to a building and projecting over a window, doorway, or pedestrian walkway.

B. Definitions: B

Balcony: A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade as defined in this Implementation Plan, but so located that the vertical distance from the floor below is less than the vertical distance from grade to ceiling.

Bay Window: A window or series of windows that project outward from a wall of a building forming a bay or alcove in a room within. This definition includes bow, oriel and similar projecting windows (see also: Greenhouse Window).

Beach: The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Berm: A mound or embankment of earth; also, a nearly horizontal portion of the beach or backshore formed by the deposit of material by wave action (some beaches have no berms and others may have one or several).

Berth or Berthing Space: A generic term defining any location, such as a floating dock, slip, mooring and the related water area (berthing area) adjacent to or around it, intended for the storage of a vessel in water.

Best management practices (BMPs): Any schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, structural treatment BMPs, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to receiving waters.

Billboard: A permanent structure used for the display of offsite commercial messages.

Blockface: The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, water-course, or city boundary.

Bluff: A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, or folding of the land mass with 10 feet or more in vertical extent.

Bluff, Coastal: A bluff overlooking a beach or shoreline or that is subject to marine erosion. For purposes of establishing jurisdictional and permit boundaries, (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an Appealable Area.

Bluff Edge: The upper termination of a bluff, cliff, or seacliff: In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

Bluff Face: The portion of a bluff between the bluff edge and the toe of the bluff.

BMPs: (See Best Management Practices).

Breakwater: A structure or barrier protecting a shore area, harbor, anchorage, or basin from waves, usually constructed as a concrete or riprap (rock wall) structure.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Building, Accessory: A subordinate building, the use of which is incidental to that of the main building on the same lot and/or development site.

Building, Main or Principal: A building in which is conducted the principal use of the lot and/or development site on which it is situated.

Building, Relocatable: A structure designed for human occupancy for industrial, commercial or professional purposes in such a manner as to be readily transportable from site to site.

Building Director: The Building Director of the City of Newport Beach, or the Building Director's designee.

Building Site of Development Site: A parcel or contiguous parcels of land which constitute a site eligible for building development under the requirements of Titles 19 (*Subdivision Code*) and 20 (*Zoning Code*).

Building Bulk: The visual and physical mass of a building.

Bulkhead: Vertical walls built into and along the Harbor shoreline preventing the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a "retaining wall" on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sand beach between the bulkhead and the water and land areas.

Bulkhead Line: Harbor land/water perimeter lines established in Newport Harbor by the federal government, which define the permitted limit of filling or solid structures that may be constructed in the Harbor.

C. Definitions: C

California Environmental Quality Act (CEQA): California Public Resources Code, Section 2100 et seq.

Caliper: The thickness of trees as measured in inches, feet, etc. Trunk diameter for trees up to 4 inches shall be measured 6 inches above the soil line, and all trees over 4 inches in diameter will be measured 54 inches above the soil line.

Campus: "Campus" means three or more buildings in a residential district within a 300 foot radius of one another that are used together for a common purpose where one or more of the buildings provides a service for the occupants of all the buildings such as when one building serves as a kitchen/food service area for the occupants of the other buildings.

Canopy: (See awning).

Canyon Edge: The upper termination of a canyon: In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a steplike feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.

Carport: (See Parking Space, Covered).

Caretaker's Quarters: A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by a guard or caretaker.

CDFG: California Department of Fish and Game (also known as DFG).

CDP: (See coastal development permit).

Change in Operational Characteristics: Any change in the operation of a use which conflicts with the precepts or conditions under which the use was initially permitted; or any factor presented in the individual chapters of this Implementation Plan, either explicitly or for purposes of illustration, as constituting a change in operational characteristics.

Channel: A water area in Newport Harbor designated for vessel navigation, with necessary width and depth requirements, and which may be marked or otherwise designated on federal navigation charts, as well as in other sources.

Charter Vessel: A vessel used principally for charter purposes, a "charter" being a rental agreement, generally for a period of one day or more.

City: The City of Newport Beach.

Cliff: A high, very steep to perpendicular or overhanging face of rock.

Coastal Access: The ability of the public to reach, use or view the shoreline of coastal waters or inland coastal recreation areas and trails.

Coastal Act: The California Coastal Act of 1976, as amended.

Coastal Commission: The California Coastal Commission, the state agency established by state law responsible for carrying out the provisions of the Coastal Act and for review of coastal permits on appeal from local agencies.

Coastal Development Permit (CDP): A permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

Coastal Development Permit, Emergency: An authorization by the Planning Director to proceed with any development within the coastal zone which is remedial, immediate and temporary to respond to an urgent and critical situation provided that later compliance with coastal development permit requirements is assured if the development is to be permanent.

Coastal Plan: The California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the

Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000).

Coastal View or Viewshed: A view to or along the ocean, bay, harbor, coastal bluff, or other scenic coastal area.

Coastal Zone: That land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Coastal-dependent Development or Use: Any development or use which requires a site on, or adjacent to, the sea to be able to function at all (from California Public Resources Code, Section 30101).

Coastal-related Development or Use. Any development or use that is dependent on a coastal-dependent development or use (from California Public Resources Code, Section 30101.3).

Collection Buildings: Buildings with a gross floor area of 225 square feet or less used for the deposit and storage of household articles or recyclables donated to a nonprofit organization.

Conditionally Permitted: Permitted subject to approval of a use permit.

Condominium: A condominium project, community apartment project, or stock cooperative, as defined in Section 1351 of the California Civil Code.

Contour: A line on a topographic map or bathymetric (depth) chart representing points of equal elevation with relation to a datum (point or set of points). Contour lines are usually spaced into intervals for easier comprehension and utilization.

Convenience Market: Retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This term excludes delicatessens

and other specialty food shops and establishment having a sizeable assortment of fresh fruits and vegetables, and fresh cut meat or fish.

County: The County of Orange.

Court: An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unoccupied and unobstructed by structures from the ground upward and to the sky, except as otherwise provided in this Implementation Plan.

Coverage, Lot or Site: The percentage of a site covered by roofs, soffits, or overhangs and by decks more than 30 inches in height.

Cumulative Effect (Cumulative Impacts): The incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Current: A flow of water in a particular direction. Such flows can be driven by wind, temperature or density differences, tidal forces, and wave energy. Currents are often classified by location, such as longshore current, surface current, or deep ocean currents. Different currents can occur in the same general area, resulting in different water flows, for example, a rip current can flow perpendicular to the shore through the surf zone, a long shore current may flow southerly, parallel to the coast and a seasonal deep water current may flow to the north.

D. Definitions: D

Daylight Plane: An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum setback applicable at such point on the site.

Deck: A platform, either free-standing or attached to a building, that is supported by pillars or posts (see also: Balcony).

Demolition: The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or other use.

Density: The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Development: Any activity that requires discretionary or ministerial action by the City to construct or alter a structure or to change the use of a structure or property. For purposes

of implementation of the certified LCP, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation (from California Public Resources Code, Section 30106).

Directory Sign: A sign listing the tenants or occupants of a building or building complex.

Disaster: The occurrence or imminent threat of severe damage, injury, loss of life or property caused by a natural event, an act of public enemy, or accident. A disaster does not include structural damage due to corrosion, dry rot, termite infestation, deterioration due to age, or other structural damage due to ongoing exposure to natural elements that was foreseeable and preventable through reasonable due diligence.

Discretionary Action or Decision: An action taken by the City that follows established procedures and rules and requires the exercise of judgment in whether or not to approve a project (see Ministerial Action or Decision and Administrative Action of Decision).

Distribution Line: An electric power line bringing power from a distribution substation to consumers.

District: A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this Implementation Plan.

Disturbed: A term used to identify a biological habitat that has been altered by natural or man-made events.

Dock: A structure generally linked to the shoreline, to which a vessel may be secured. A dock may be fixed to the shore, on pilings, or floating in the water.

Dory Fishing Fleet: The historic fleet and open-air fish market that has operated adjacent to Newport Pier since its founding by a Portuguese fisherman in 1891.

Driveway: A designated passageway providing vehicular access between a street and a garage or carport, a designated parking area, or other driveway or street. A driveway shall not be considered a street.

Dry (Boat) Storage: Dry storage of vessels includes all on-land storage of vessels including

vessels normally stored in open or enclosed rack structures, on trailers, on cradles, on boat stands, or by other means.

Dune: Ridges or mounds of loose, wind-blown material usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

Dwelling, Multi-Family: “Dwelling, multifamily” means a building containing three or more dwelling units, each of which is for occupancy by one family.

Dwelling, Single-Family: “Dwelling, single-family” means a building containing one dwelling unit for occupancy by one family.

Dwelling, Two-Family: “Dwelling, two family” means a building containing two dwelling units, each of which is for occupancy by a one family.

Dwelling Unit: Any area within a structure on any parcel which:

1. Contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation and food preparation, and which has independent exterior access to ground level; or
2. Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

Dwelling Unit, Accessory: A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel as a single-family dwelling is situated.

E. Definitions: E

Easement: A grant of one or more property rights by the property owner for use by the public, a corporation, or another person or entity.

Eelgrass: A marine flowering plant (*Zostera marina*) that is found primarily in coastal bays and estuaries on soft substrate.

El Niño: A term used to describe a cyclic weather pattern caused by changes in tropical ocean current patterns that result in worldwide changes in weather patterns.

Emergency: Any sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services.

Encroachment. The extension of a building, structure, or other improvement, or part thereof, on the property or domain of another.

Energy Facility: Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Entertainment/Excursion Vessels: Commercial vessels engaged in the carrying of passengers for hire for the purposes of fishing, whale watching, diving, educational activities, harbor and coastal tours, dining/drinking, business or social special events and entertainment.

Environmental Impact Report (EIR): A detailed report describing and analyzing the potentially significant environmental effects of a project and discussing ways to mitigate or avoid the effects in compliance the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Environmentally Sensitive Habitat Area (ESHA): Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development (from Public Resources Code 30107.5).

Erode: The gradual wearing away and removal of land surface by various agents such as waves; opposite of accrete.

Erosion: The wearing away of land by natural forces. On a beach, the carrying away of beach material by wave action, currents or the wind.

ESHA: (See Environmentally Sensitive Habitat Area).

ESHA Buffer: Open space that horizontally separates and protects environmentally sensitive habitat areas from development areas. Buffer areas should be contiguous with the sensitive habitat but are not in themselves a part of the environmentally sensitive habitat area to be protected.

Estuary: The region near a river mouth in which the fresh water of the river mixes with the salt water of the sea.

Evaluation: Process by which a project's performance is determined relative to criteria developed for this purpose.

Exclusion Area: That portion of the coastal zone within an exclusion area boundary adopted pursuant to the Coastal Act and approved by the Coastal Commission after the effective date of the delegation of development review authority and depicted on the certified Permit and Appeal Jurisdiction Map. Development within this area is excluded from coastal development permit requirements if certain criteria identified in the adopted

exclusion are met.

Exemption, Categorical: An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, based on a finding by the California Secretary for Resources that the class of projects does not have a significant effect on the environment.

F. Definitions: F

Facilities for Food Preparation. An area where food may be prepared which includes, but is not limited to, any two or more of the following items, either individually or in combination: heating appliances such as stoves, hot plates, microwave ovens, convection ovens and/or toaster ovens, refrigeration appliances, sinks including the plumbing thereto with running water whether with or without a disposal and may include a bathroom sink, cabinetry or shelving used for the storage of pots, pans, dishes, glasses, eating utensils and/or food items.

Factor of Safety: The ratio of the ultimate breaking strength of the material to the force exerted against it. In terms of slope stability analysis, the factor of safety is determined by dividing the resisting forces by the driving force. The forces resisting a potential landslide are essentially the strength of the rocks or soils making up the bluff. The forces driving a potential landslide are the weight of the rocks as projected along a potential slide surface.

Family: "Family" means one or more persons living together as a Single Housekeeping Unit. The term "Family" shall include "Residential Care-Limited" facilities for six or fewer mentally disabled, mentally disordered or otherwise handicapped persons regardless of whether they are living together as a Single Housekeeping Unit, but shall not include any other living group that is not living together as a Single Housekeeping Unit.

Fault: A rock fracture accompanied by displacement.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fen: A unique type of wetland characterized by a saturated substrate dominated by organic material in which acidic conditions ($\text{pH} < 7$) prevail. Contrast with a bog, which has a saturated substrate dominated by organic material in which basic conditions ($\text{pH} > 7$) prevail.

Fill: Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

First Public Road Paralleling the Sea: The road nearest the sea and which meets all of the

following criteria:

1. The road is lawfully open and suitable for uninterrupted use by the public;
2. The road is maintained by a public agency;
3. The road contains an improved all-weather surface open to motor vehicle traffic in at least one direction;
4. The road is not subject to any restrictions on use by the public except during an emergency or for military purposes; and
5. The road connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

Floor, Finished: The surface of a floor after the final installation or application of floor coverings or other surfacing materials.

Floor Area, Gross: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet (see Chapter 20.63: Floor Area Ratios and Building Bulk and Chapter 20.66: Off-Street Parking and Loading for variations of this term for purposes determining floor area ratio and parking requirements).

Floor Area, Net: The area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts and parking.

Floor Area, Net Public: (See Area, Net Public).

Floor Area Ratio (FAR): The gross floor area of a building or buildings on a lot divided by the lot area or site area.

Freestanding Sign: A sign supported permanently upon the ground by a structure and not attached to a building. This includes pylon signs, and ground-mounted signs (monument signs).

Frontage: The side of a lot abutting a street.

Frontage, Reversed: A key lot or the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street which intersects the street upon which the corner lot fronts and/or which faces the street upon which the side of a corner lot abuts.

Functional Capacity: In terms of wetlands and estuaries, functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity.

G. Definitions: G

Garage: (See Parking Space, Enclosed).

General Plan: The City of Newport Beach General Plan, as amended.

Grade, Existing: The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Implementation Plan.

Grade, Finished: The surface of the ground or pavement at a stated location which exists after disturbance in preparation for a project regulated by this Implementation Plan.

Grade, Natural: The unaltered natural surface of the ground at a stated location.

Grade, Street: The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Greenhouse Window: A multi-sided window with glass roof panels projecting outward from a wall of a building (see also: Bay Window).

Ground Floor: The lowest level within a building that is accessible from and within 3 feet above or 2 feet below the grade of the street.

Groundwater: Subsurface water occupying the zone of saturation usually found in porous rock strata and soils.

Groin: A shoreline protection structure built, usually perpendicular to the shoreline, to trap nearshore sediment or retard erosion of the shore. A series of groins acting together to protect a section of beach is known as a groin system or groin field.

H. Definitions: H

Habitable Space (Room): The space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Habitat: The locality, including the physical and biological environment, in which a plant or animal lives.

Harbor Lines: All established Bulkhead, Pierhead, and Project Lines as defined within Newport Harbor by the federal, state, county and city governments.

Harbor Resources Director: The Harbor Resources Director of the City of Newport Beach, or the Harbor Resources Director's designee.

Hedge: Any group of shrubs planted in line or in groups which forms a compact, dense, living barrier which protects, shields, separates or demarcates an area from view; any similar plant material, or similar plant material in conjunction with a structure, which is 80 percent opaque within 12 months after planting.

Height: A vertical dimension measured from existing grade, unless otherwise specified.

Heritage Sign: A sign designed by the City as historically or visually significant.

Historic Resource: Any object, building, structure, site, area, place, record, or manuscript which is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of Newport Beach and/or California and/or the United States.

Home Occupation: An occupations conducted in a residential district that is incidental to the principal residential use of a lot or site.

Hydric Soil: A type of soil with characteristics resulting from prolonged saturation and chemically reducing conditions such as occurs under anaerobic conditions.

Hydrology: The dynamic processes of the water within an environment including the sources, timing, amount, and direction of water movement.

Hydrophytes: (See hydrophytic vegetation).

Hydrophytic Vegetation: Plants that have adapted to living in aquatic environments. These plants are also called hydrophytes. In wetlands, hydrophytic species occur where at least the root zone of the plant is seasonally or continually found in saturated or submerged soil.

I. Definitions: I

Illumination, Direct: Illumination by means of light that travels from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Impervious Surface: Any surface that prevents or significantly reduces the entry of water into the underlying soil resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development including, but not limited to, parking lots, driveways, roadways, storage areas, and rooftops.

Implementing Actions: The ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of Chapter 3 of the Coastal Act which are submitted pursuant to Section 30502.

In Situ: A Latin phrase meaning "in place. Archaeologically it refers to an artifact or object being found in its original, undisturbed position.

In-Kind Mitigation: (See Mitigation, In-Kind).

Intertidal: Located between the low and high tide tidal extremes.

Invasive Species: A species that is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

J. Definitions: J

No specialized terms beginning with the letter "J" are defined at this time.

K. Definitions: K

Kitchen: Any room or portion of a room designed, intended or used for the cooking or preparation of food.

L. Definitions: L

Lagoon: A shallow body of water, such as a pond or lake, usually located near or connected to the sea.

Land Use Plan (LUP): For LCP purposes, the relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Landmark Building or Structure: A building or structure designated by the City as having importance to the history and architecture of the City of Newport Beach.

Landscaping: An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings is not considered landscaping.

Landscaping, Interior: A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

Landscaping, Perimeter: A landscaped area adjoining and outside the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas).

LCP: (See Local Coastal Program).

Lead Agency: The public agency which has the principal responsibility for carrying out or approving the project.

Local Coastal Program (LCP): A local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level.

Longshore: Parallel to and near the shoreline.

Longshore Current: A flow of water in the breaker zone, moving essentially parallel to the shore, usually generated by waves breaking at an angle to the shoreline.

Lot: An area of land under one ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance, or lot line adjustment. The terms "lot" and "parcel" are interchangeable for purposes of this Implementation Plan.

Lot, Corner: A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees. The front setback of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Planning Director shall determine the location of the front setback.

Lot Depth: The horizontal distance for the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot where there is no rear-lot line.

Lot, Double-Frontage: An interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line.

Lot, Key: A lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

Lot, Reversed Corner: A corner lot, the rear of which abuts the side of another lot.

Lot or Property Line, Front: On an interior lot, a lot line separating the lot from the street. On a corner lot, the shortest lot line abutting a street, provided that where the two lot lines abutting a street are substantially the same length, the Planning Director shall determine the location of the front lot line.

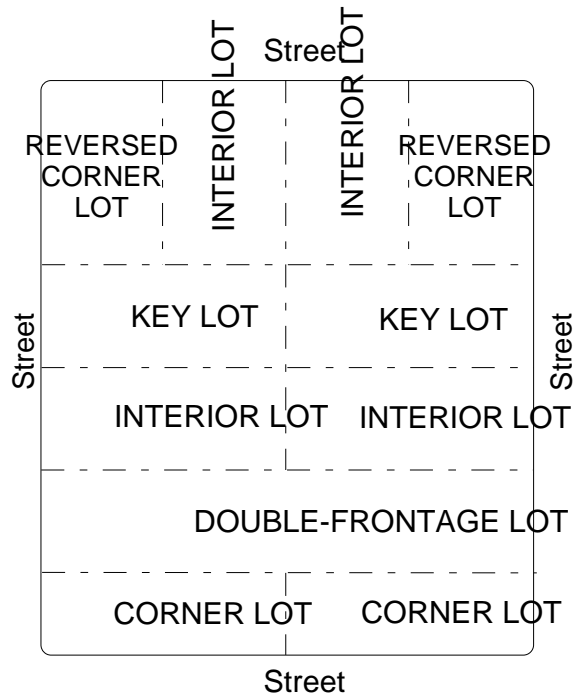
Lot or Property Line, Rear: A lot line, not a front lot line, that is most parallel or approximately parallel to the front lot line, Where no lot line is within 45 degrees of being parallel to the front lot line, the rearmost point of the lot shall be used for the purpose of measuring lot depth and a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring the rear setback.

Lot or Property Line, Interior: A lot line not abutting a street or alley.

Lot or Property Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street: A lot line abutting a street.

Lot Width: The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



LUP: (See Land Use Plan).

M. Definitions: M

Major Energy Facility: Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy which exceeds one hundred thousand dollars in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of California Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

Marina: A berthing facility (other than moorings or anchorage) in which vessels are wet-stored (in water) and/ or dry-stored (on land/racks or on floating docks).

Marquee: An roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

Mean High Tide Line: (a) The statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station; or (b) the line legally adjudicated by the California Legislature.

Mean Sea Level (MSL): The 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings (see National Geodetic Vertical Datum of 1929).

Ministerial Action or Decision: An action taken by the City that follows established procedures and rules and does not call for the exercise of judgement in whether or not to approve a project (see Ministerial Action or Decision and Administrative Action of Decision).

Mitigation: As defined in Section 15370 of the State Guidelines for Implementation of the California Environmental Quality Act, mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted

environment.

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation, In-Kind: A type of compensatory mitigation in which the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of the same habitat type.

Mitigation, Out-of-Kind: A type of compensatory mitigation in which the adverse impacts to one habitat type are mitigated through the creation, restoration, or enhancement of another habitat type.

Mitigation Measures: Measures imposed on a project consistent with Section 15370 of the State Guidelines for Implementation of the California Environmental Quality Act to avoid, minimize, eliminate, or compensate for adverse impacts to the environment.

Mobile Home: A structure transportable on a street or highway by authorization or a permit in one or more sections designed and equipped for human habitation to be used with or without a foundation system. Mobile home includes manufactured homes but does not include recreational vehicles, commercial coaches, or factory-built housing.

Mobile Home Park: Any area of land used primarily for the placing, parking or storage of two or more mobile homes for housekeeping, sleeping or living quarters.

Mobile Home Space: Any area, tract of land, site, lot, pad or portion of a mobile home park designated or used for the occupancy of one mobile home.

Monitoring: Systematic collection of physical, biological, or economic data or a combination of these data on a beach nourishment project in order to make decisions regarding project operation or to evaluate project performance.

Monument Sign: A freestanding sign supported by a solid architectural element at its base.

Mooring: A device consisting of a floating ball, can or other object that is secured permanently to the Harbor bottom by an anchor system for purposes of securing a vessel.

Municipal Code: The Municipal Code of the City of Newport Beach, as amended.

MSL: See Mean Sea Level.

N. Definitions: N

National Geodetic Vertical Datum of 1929 (NGVD): A fixed reference for elevations, equivalent to the 1929 Mean Sea Level Datum. The geodetic datum is fixed and does not take into account the changing stands of sea level. NGVD should not be confused with mean sea level (see Mean Sea Level).

NAVD 88: (See North American Vertical Datum of 1988).

Negative Declaration: A written statement by the Lead Agency describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report (EIR).

Newport Bay: The terms “Newport Bay” and “Newport Harbor” are often used interchangeably. However, Newport Bay is an estuary consisting of the Lower Newport Bay (south of Pacific Coast Highway) and the Upper Newport Bay (north of Pacific Coast Highway). Newport Harbor generally refers to all the water area within Lower Newport Bay and within the Upper Newport Bay, exclusive of the Upper Newport Bay Marine Park.

Nonconforming Sign: A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this Implementation Plan, or by reason of annexation of territory to the City.

Nonconforming Structure: A structure that was lawfully erected, but which does not conform with the development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Implementation Plan or by reason of annexation of territory to the City.

Nonconforming Use: A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Implementation Plan or by reason of annexation of territory to the City.

North American Vertical Datum of 1988 (NAVD 88): A fixed reference for elevations determined by geodetic leveling created by the National Geodetic Survey.

Nourishment: The process of replenishing or enlarging a beach. It may be brought about naturally by longshore transport or artificially by the deposition of dredged materials.

NPDES: National Pollutant Discharge Elimination System.

O. Definitions: O

Off-Street Loading Facilities: A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities: A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Offer to Dedicate (OTD): An OTD is a document, recorded against the title to a property, which is an offer of dedication to the people of the State of California of an easement over the property or a portion of the property. Generally, an OTD allows for specific uses in of the area of the property involved (for example, allowing the public to walk across the area). The offer conveys an easement in perpetuity only upon its acceptance on behalf of the people by a public agency or by a nonprofit private entity approved by the executive director of the Coastal Commission.

Offshore: Off or away from the shore. This area extends from beyond the breaker zone to the outer limit of the littoral zone and beyond.

Onshore (Inshore): The region between the seaward edge of the foreshore and the seaward edge of the breakers or waves.

Open Coastal Waters: The area composed of submerged lands at extreme low-water of spring tide extending seaward to the boundaries of the Exclusive Economic Zone (12-200 miles). This includes navigation channels, turning basins, vessel berthing, anchorage, and mooring areas of Newport Bay.

Open Space, Private: A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Common: An open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Total: The sum of private open space and shared open space.

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or street side setback, and excluding any space with a dimension of less than 6 feet in any direction.

Opposite: Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

OTD: (See Offer to Dedicate).

Out-of-Kind Mitigation: (see Mitigation, Out-of-Kind).

Outdoor Living Area: (See Open Space, Usable).

Owner: Any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

P. Definitions: P

Parcel: (See Lot).

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of 1 motor vehicle.

Parking Space, Covered: A building or portion of a building, open or enclosed by walls or doors on not more than two sides, that is designed or used to shelter a parking space.

Parking Space, Enclosed: A building or portion of a building, completely enclosed by walls or doors on three or more sides, that is designed or used to shelter a parking space.

Parking Space, Tandem: A parking space within a group of 2 or more parking spaces arranged one behind the other.

Patio Cover: A solid or open roof structure not exceeding 12 feet in height and covering a patio, platform, or deck area. Patio covers may be detached or attached to another structure. Patio covers may be enclosed and used for recreational and outdoor living purposes, does not include structures used as carports, garages, storage rooms, or habitable rooms.

Permit: Any license, certificate, approval, or other entitlement for use granted or denied by any public agency.

Permit and Appeal Jurisdiction Map: A map depicting those areas where the Coastal Commission retains permit and appeal jurisdiction.

Permitted: Permitted without a requirement for approval of a use permit.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including public agencies.

Pier: A fixed structure extending from the shore into a body of water .

Pier, Private: A pier used for private recreational purposes by the owner(s) or occupant(s) of the abutting upland property without payment of a separate rental or lease fee, except for permit fees to City.

Pier, Public: A pier used for public recreational purposes provided by a public agency.

Pierhead Line: Harbor water area perimeter lines established in Newport Harbor by the federal government that define the permitted limit of fixed pier, floating dock and other in-water structures which may be constructed in the Harbor .

Planning Director: The Planning Director of the City of Newport Beach, or the Planning Director's designee.

Plot Plan: A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Pole Sign: A sign that is supported by a single pole or similar support structure so that the bottom edge of the sign is one foot or more above grade.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Predominant Line of Development: The most common or representative distance from a specified group of structures to a specified point or line (e.g. topographic line or geographic feature). For example, the predominant line of development for a block of homes on a coastal bluff (a specified group of structures) could be determined by calculating the median distance (a representative distance) these structures are from the bluff edge (a specified line).

Preexisting: In existence prior to the effective date of this Implementation Plan.

Prepackaged Food: Any processed food prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer.

Project: Any proposal for new or changed use, or for new construction, alterations, or enlargement of any structure, that is subject to the provisions of this Implementation Plan.

Proscenium, Garage: The structural frame of a garage door.

Public Trust Lands: Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and

rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time (from California Code of Regulations, Section 13577; see tidelands and submerged lands).

Public Works Director: The Public Works Director of the City of Newport Beach, or the Public Works Director's designee.

Public Works: In terms of the Local Coastal Program:

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
3. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
4. All community college facilities.

Public Works Project: Any action undertaken by the City or under contract to the City to construct, alter, repair or maintain any city structure, utility or right-of-way including the erection of public signs, the painting or removing of street lines, parking space designations, or the painting or removing paint from curbs.

Pylon Sign: A sign that is supported by two or more uprights, poles, or braces in or upon the ground that are not a part of a building or enclosed within the exterior walls of a building and are separated from any other structures by a distance of at least 6 inches. This includes a sign that is supported by two or more poles that are surrounded by a decorative cover to form one solid sign support.

Q. Definitions: Q

Qualified Biologist: A person who has earned a minimum of a Bachelor of Science degree in biology or a related field from an accredited college or university and has demonstrated field experience evaluating land use impacts on marine or wildlife species and their habitats. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers' "Reg IV" wetland delineation training, or the equivalent, and shall have the demonstrated ability to independently conduct wetland delineations.

Queue Space: A temporary waiting area for motor vehicles obtaining a service or other activity.

R. Definitions: R

Readily Transportable: Easily movable from one location to another without the use of professional and housemoving equipment, i.e., in order to move the building to the site all that is necessary is to add temporary "trailer type" wheels directly to the frame of the building or to carry it on a typical motor vehicle.

Ready-To-Eat Food: Food that is in a form that is edible without additional washing, cooking, or preparation by the food facility or the consumer and that is reasonably expected to be consumed in that form.

Recreational Vehicle (RV): A vehicle towed or self-propelled and designed or used for recreational or sporting purposes. This term includes, but is not limited to, travel trailers, pick-up campers, camper shells, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Renovation: The interior or exterior remodeling of a structure, other than ordinary repair.

Residential Name or Identification Sign: A sign identifying the name or address of a residence and/or its occupants.

Retaining Wall: A wall used to support or retain an earth embankment or area of fill.

Revetment: A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents.

Riparian: Consists of trees, shrubs, or herbs that occur along watercourses or water bodies. The vegetation is adapted to flooding and soil saturation during at least a portion of its growing season.

Riprap: A protective layer or facing of rock, concrete blocks or quarystone, placed to prevent erosion, scour, or sloughing of an embankment or bluff.

Roof Sign: A sign erected upon or above a roof of a building.

Room, Habitable: A room meeting the requirements of the Housing Code (Chapter 15.03 of the Municipal Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

S. Definitions: S

Scarp (Beach Scarp): An almost vertical slope along the beach caused by wave erosion. It may vary in height from a few inches to several feet or more, depending on wave action and the nature and composition of the beach.

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area (from California Public Resources Code, Section 30115).

Seawall: A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment.

Sea Cliff: A vertical or very steep cliff or slope produced by wave erosion, situated at the seaward edge of the coast or the landward side of the wave-cut platform, and marking the inner limit of beach erosion.

Sea Level: The height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea-level changes.

Sea Shell: (See Shell).

Seasonal Wetland: (See Wetland, Seasonal).

Seawall: A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment.

Screen: A device or materials used to conceal or obscure one element of a development from other elements or from adjacent or contiguous development or rights-of-way. Screening may consist of fences, walls, berms, or plantings.

Sediment: Grains of soil, sand, or rock that have been transported from one location and deposited at another.

Seiche: A standing wave oscillation in an enclosed waterbody that continues (in a pendulum fashion) after the cessation of the originating force. Seiches can be caused by tidal action or an offshore seismic event.

Sensitive Coastal Resource Areas: Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. Sensitive coastal resource areas include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
2. Areas possessing significant recreational value.
3. Highly scenic areas.
4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
5. Special communities or neighborhoods that are significant visitor destination areas.
6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
7. Areas where divisions of land could substantially impair or restrict coastal access.

Sensitive Species: Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

Service Station Fueling Space: A temporary parking space immediately adjacent to a fuel dispensing unit.

Setback: An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this Implementation Plan, including a front setback, side setback, or rear setback.

Setback, Front: A setback extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Setback, Rear: A setback extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear setback shall extend only to the side setback abutting the street.

Setback, Side: A setback extending from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the side setback on the street side of a corner lot shall extend to the rear lot line.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear setback, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear setbacks are specified, the setback line shall be coterminous with the corresponding lot line.

Shade: (See awning).

Shell: A hard rigid usually largely calcareous covering or support of an animal.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Shore: Narrow strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

Shore Protection: Structures or sand placed at or on the shore to reduce or eliminate upland damage from wave action or flooding during storms.

Shoreline: Intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Sign: Any device, fixture, placard or structure, including its component parts, that draws attention to an object, product, place, activity, opinion, person, establishment, institution, organization, or place of business, or that identifies or promotes the interests of any person and that is to be viewed from any public street, road, highway, right-of-way or parking area.

Single Housekeeping Unit: "Single Housekeeping Unit" means the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses. For purposes of the R-A and R-1 districts, a Single Housekeeping Unit's members shall also be a non-transient group.

Single Ownership: Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site: (See Building of Development Site).

Site Design BMP: Any project design feature that reduces the creation or severity of potential pollutant sources or reduces the alteration of the project site's natural flow regime.

Redevelopment projects that are undertaken to remove pollutant sources (such as existing surface parking lots and other impervious surfaces) or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low-density new development) by incorporating higher densities and/or mixed land uses into the project design, are also considered Site Design BMPs.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Slough: To erode the uppermost layer of soil, or to crumble and fall away from the face of a cliff.

Solar Equipment: Any solar collector, skylight, or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

Source control BMP (both structural and non-structural): Land use or site planning practices, or structures that aim to prevent urban runoff and stormwater pollution by reducing the potential for contamination at the source of pollution. Source Control BMPs minimize the contact between pollutants and urban runoff. Examples include roof structures over trash or material storage areas, and berms around fuel dispensing areas.

Specific Plan: A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Storm Surge: A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes the rise in level due to atmospheric pressure reduction as well as that due to wind stress.

Storm Water Pollution Prevention Plan (SWPPP): A plan which identifies best management practices (BMPs) that will be used during the construction of the project to reduce the impacts to storm water quality relating to material and waste management.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of

a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Stream: A topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

Street: A public or private vehicular right-of-way, including local streets, commuter streets, and arterial highways, but not including alleys, driveways, or off-road bikeways.

Structure: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Structure, Accessory: Structures that are incidental to the principal structure on a site. This classification includes fences, walls, decks, landings, patios, platforms, porches and terraces and similar minor structures other than buildings (see Building, Accessory).

Submerged Lands: Submerged lands shall be defined as lands which lie below the line of mean low tide (from California Code of Regulations, Section 13577; see Public Trust Lands).

Surface, Finished: The surface of a structure after the final installation or application of stucco, sliding, stone, brick, tile, shingles, or other surfacing or roofing materials.

Swimming Pools and Hot Tubs: Any confined body of water, located either above or below the existing finished grade of the site which exceeds 18 inches in depth and is designed, used, or intended to be used for swimming or bathing purposes.

SWPPP: (See storm water pollution prevention plan).

T. Definitions: T

Temporary Event: An activity or use that constitutes development as defined in this Implementation Plan but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures; and/or involves the use of sandy beach, parkland, filled tidelands, water, streets, or parking areas which are otherwise open and available for general public use.

Terrestrial: Land-related.

Tide: The periodic rising and falling of the water that results from gravitational attraction of the moon and sun, and other astronomical bodies, acting upon the rotating earth. The California coast has a mixed tidal occurrence, with two daily high tides of different elevations and two daily low tides, also of different elevations. Other tidal regimes are diurnal tides, with only one high and one low tide daily, and semidiurnal, with two high and two low tides daily, with comparatively little daily inequality between each high or each low tide level.

Tidelands: Tidelands shall be defined as lands that are located between the lines of mean high tide and mean low tide (from California Code of Regulations, Section 13577; see Public Trust Lands).

Transmission Line: An electric power line bringing power to a receiving or distribution substation.

Treatment control BMP: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological or chemical process.

Tree: A plant having at least one well-defined stem or trunk and normally attaining a mature height of at least 15 feet, with an average mature spread of 15 feet, and having a trunk that shall be kept clear of leaves and branches at least 6 feet above grade at maturity.

Tree, Fifteen Gallon: A 15-gallon container tree shall be no less than 1-inch caliper and at least 6 feet in height above grade at the time of planting.

Tree, Mature: Any tree with a trunk with a diameter of 10 inches or more, measured 24 inches above existing grade.

Tree, Twenty-Four-Inch Box: A 24-inch box tree shall be no less than 1.75-inch caliper and at least 7 feet in height above grade at the time of planting.

Tsunami: A long period wave, or seismic sea wave, caused by an underwater disturbance such as a volcanic eruption or earthquake. Commonly misnamed a Tidal Wave.

Turbidity: A measure of the extent to which water is stirred up or disturbed, as by sediment; opaqueness due to suspended sediment.

Turning Basin: An area, often designated on nautical charts, connected to a channel that is large enough to allow vessels to maneuver or turn around.

U. Definitions: U

Unit: The particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupier.

Use: The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

Use, Principal: The primary or predominant use of any lot, building, or structure.

Use, Accessory: A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Use, Ancillary: A use that is clearly incidental to and customarily found in connection with the principal use; is subordinate to and serves the principal use; is subordinate in area, extent, or purpose to the principal use served; contributes to the comfort convenience, or necessity of the operation, employees, or customers of the principal use served. An ancillary use may be located on a property separate from the principal use.

Used: This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

V. Definitions: V

Vending Machine: Any unattended self-service device which, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including any food, beverage, goods, wares, merchandise or services.

Vernal Pools: Vernal pools are low depressions that typically are flooded and saturated above a hardpan or claypan for several weeks to a few months in the winter and spring.

Vessel: Watercraft, such as boats, ships, small craft, barges, etc. whether motorized, sail-powered or hand-powered, which are used or capable of being used as a means of transportation, recreation, safety/rescue, service or commerce on water. This includes all vessels of any size (other than models) homeported, launched/retrieved, or visiting in Newport Harbor, arriving by water or land, and registered or unregistered under state or federal requirements.

Viewshed: The area visible from a defined observation point.

Visible: Likely to be noticed by a person of average height walking on a street or sidewalk.

W. Definitions: W

Water Quality Management Plan (WQMP): A plan which identifies best management practices (BMPs) that will be used to minimize to the maximum extent practicable dry

weather runoff and runoff from small storms (less than 0.75 inch of rain falling over a 24-hour period) from the property.

Watercraft. A type of recreational vehicle designed to be used for water-related activities, including but not limited to sail boats, powerboats, canoes, kayaks and other personal watercraft.

Watershed: The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

Wave: A ridge, deformation, or undulation of the surface of a liquid. On the ocean, most waves are generated by wind and are often referred to as wind waves.

Wetland: Land which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, mudflats, and fens. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes; or
2. The substrate is predominantly undrained hydric soil; or
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Seasonal: An area that is wet during the rainy season and dries during the remainder of the year.

Window, Required: An exterior opening in a habitable room meeting the area requirements of the Housing Code (Chapter 15.03 of the Municipal Code).

WQMP: (See water quality management plan).

Written Notice: A notice in writing, deposited in the United States mail, postage prepaid, addressed to the last known address of the designated addressee.

X. Definitions: X

No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions: Y

Yard: (See setback).

Z. Definitions: Z

Zoning Code: Title 20 of the City of Newport Beach Municipal Code, as amended.

Zostera marina: See eelgrass.

NBMC §17.01.030, 20.03.030, 20.61.015, 20.67.040.

Attachment D

*GP/LCP Implementation Committee
April 20, 2007*

Draft Corona del Mar Bluff Development Guidelines

Corona del Mar Bluff Development Guidelines



BLANK

Table of Contents

I. INTRODUCTION

A. Purpose.....	1-1
B. Goals.....	1-1
C. Setting.....	1-2

II. DEFINITIONS

A. Background.....	2-1
B. Definitions.....	2-2

III. ENVIRONMENT

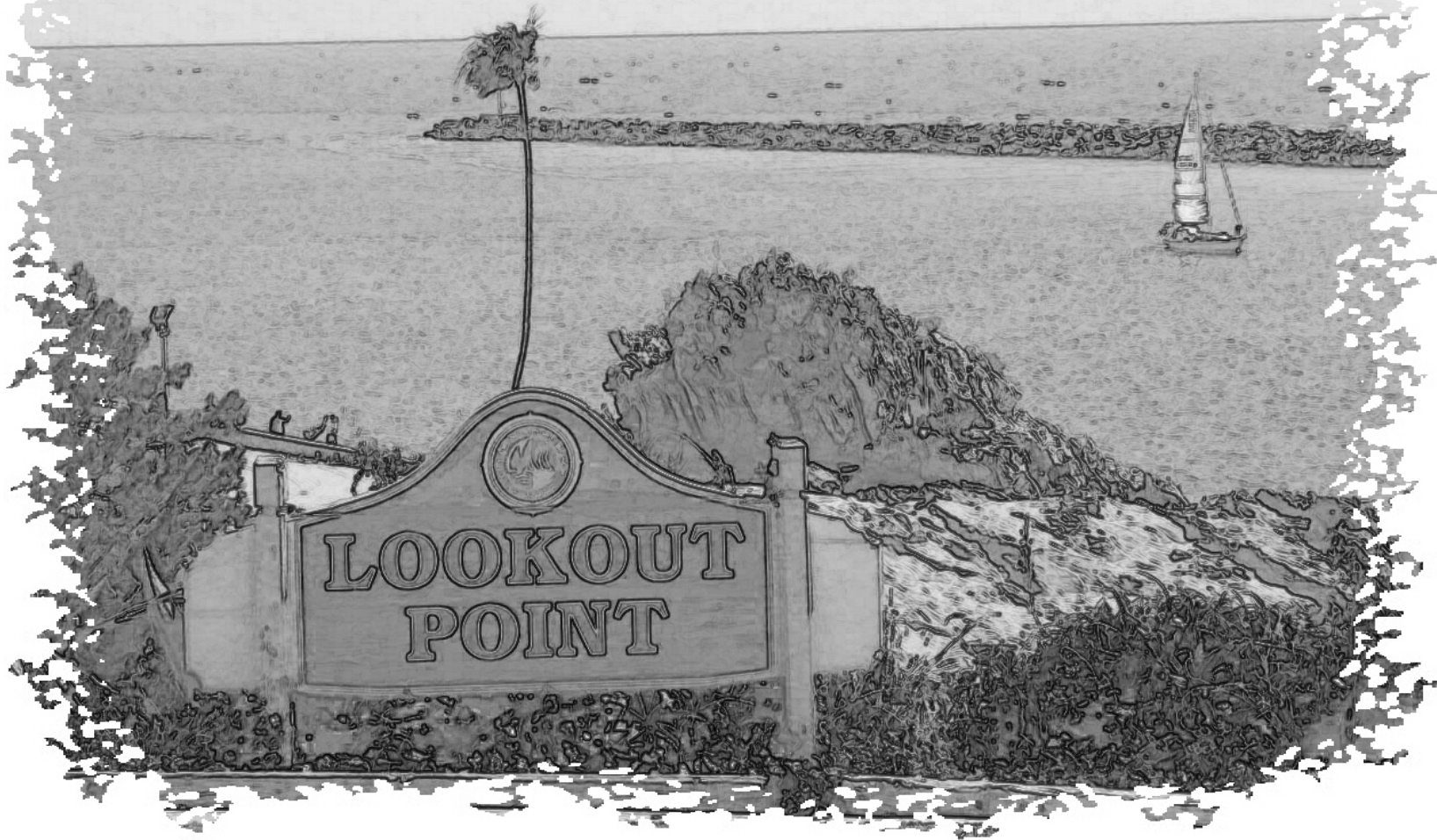
A. Soils and Geology.....	3-1
B. Bluff Retreat.....	3-1
C. Erosion Control.....	3-2
D. Views.....	3-4

IV. Site Planning and Design

A. Line of Development.....	4-1
B. Grading and Foundations.....	4-3
C. Building Mass.....	4-3
D. Roof Form and Pitch.....	4-4
E. Balconies and Decks.....	4-4
F. Accessory Structures.....	4-5
G. Color and Materials.....	4-6
H. Landscaping.....	4-6
I. Vehicular Access.....	4-7
J. Privacy.....	4-7

BLANK

Introduction



Corona del Mar Bluff Development Guidelines

A. Purpose

The *Corona del Mar Bluff Development Guidelines* are intended to address the physical improvements on the bluffs and other significant landforms along the Corona del Mar shoreline in a manner that is consistent with the policies of the General Plan and certified Local Coastal Program (LCP).

Corona del Mar is one of the few areas in the City's coastal zone where there is extensive development of the bluff face. In other coastal areas, development is generally setback from the bluff edge and the bluff face is preserved as open space. The initial subdivision and development in Corona del Mar occurred prior to the adoption of policies and regulations intended to protect coastal bluffs and other landforms. Development continues to be allowed on the bluff face to be consistent with existing development and to protect coastal views from the bluff top.

The Guidelines provide design criteria for architects, engineers, builders, developers and landscape architects during the planning and conceptual development stages of their projects. The Guidelines shall also serve as the basis for the evaluation of coastal development permits and other discretionary applications by the appropriate decision-making authority.

The Guidelines augment and expand on General Plan and certified LCP policies. However, the Guidelines are not quantitative standards and, therefore, are subject to interpretation.

B. Goals

The specific goals of the Guidelines are as follows:

- To protect and, where feasible, enhance the scenic and visual qualities of the Corona del Mar shoreline
- To protect, and where feasible, enhance public views to ocean, shoreline, harbor, and coastal bluffs
- To minimize alteration of the coastal bluffs and other significant natural landforms
- To protect and, where feasible, enhance the quality of life and privacy of residential property owners
- To assure stability and structural integrity of the coastal bluffs
- To avoid conditions that contribute significantly to erosion or geologic instability of the coastal bluffs
- To avoid the need for protective devices that would substantially alter the coastal bluffs and natural shoreline processes



Corona del Mar shoreline

Corona del Mar Bluff Development Guidelines

C. Setting

The subject area consists of the bluffs located above the Corona del Mar shoreline beginning east of Irvine Terrace and ending at Buck Gully. The bluffs are the seaward edge of a marine terrace that rises ninety-five to one hundred (95-100) feet above the shoreline. Most of these bluffs are subdivided and developed with single-family residences and a few two-family and multi-family residential projects.

The bluffs surrounding Carnation Cove, at one time, rose steeply from the natural pocket beach shoreline. Development on filled or reclaimed lands along Bayside Drive now separates the bluffs from the shoreline. There is extensive residential development on the bluff tops and bluff faces off Avocado Avenue, Pacific Drive, and Carnation Avenue.

South of Carnation Cove to Rocky Point, the bluffs form steep, rocky cliffs at points along the shoreline and surround the pocket beaches formed between these points. Development off Ocean Boulevard and Way Lane occurs on the bluff faces overlooking China Cove, due to height restrictions. Development also occurs on the rocky points, most extensively at Channel Reef and off Shell Street. Rocky Point and the bluffs surrounding Pirate's Cove are preserved as open space.

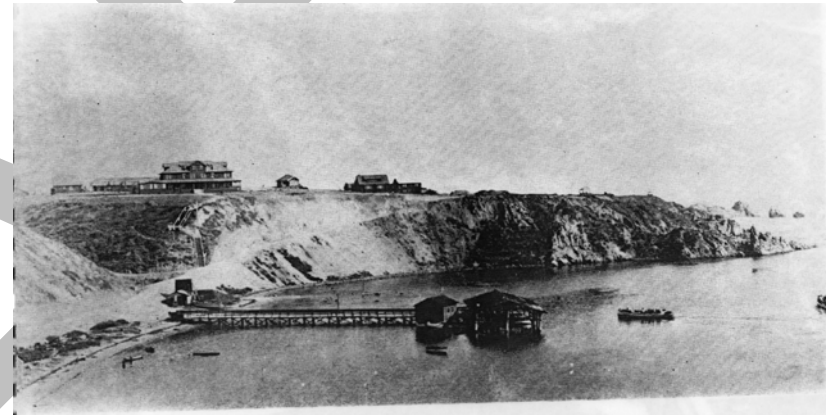
Southeast of Rocky Point to Inspiration Point, the wide sandy beach of Corona del Mar State Beach (Big Corona) separates the bluffs from the shoreline. Development is generally clustered below the bluff edge where access is off Ocean Boulevard and above the toe of the bluff where access is off Breakers Drive.

At Inspiration Point, the shoreline changes to intertidal platform reefs with scenic offshore rocks and stacks. Development is generally clustered on the upper part of the bluff below the bluff edge face, although some residences extend down close to the toe of the bluff.

Southeast of the Poppy Avenue point, the shoreline changes at the mouth of Buck Gully. Little Corona Beach provides a small, sandy cove with rocky intertidal platform reefs with offshore rocks, stacks,

and arches. Development is on the bluff top, separated from the bluff edge by Glen Drive.

The Ocean Boulevard bluff top contains a half-mile linear view park that provides spectacular views of the harbor entrance, coastline and Pacific Ocean. The view park begins at Lookout Point at the end of Dahlia Avenue Cove and runs along the bluff top to Inspiration Point at the end of Orchid Avenue.

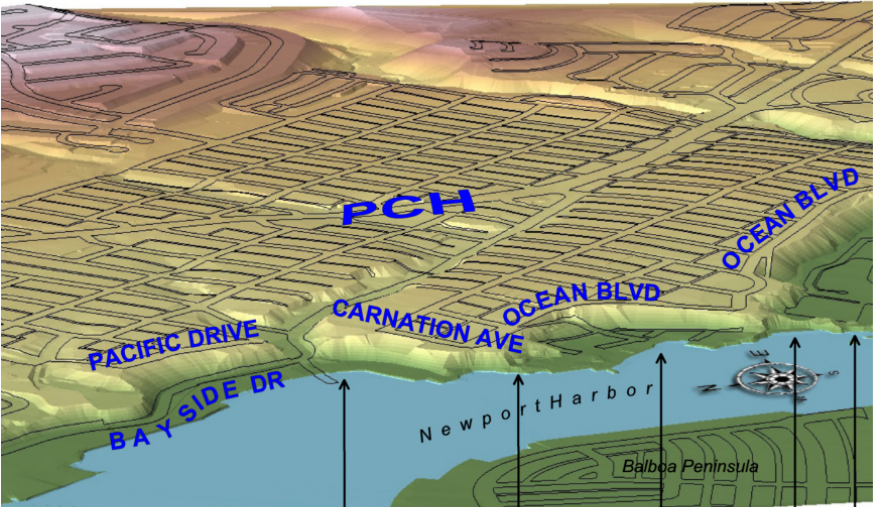


Carnation Cove in the early 20th Century



Carnation Cove in 2005

Corona del Mar Bluff
Development Guidelines



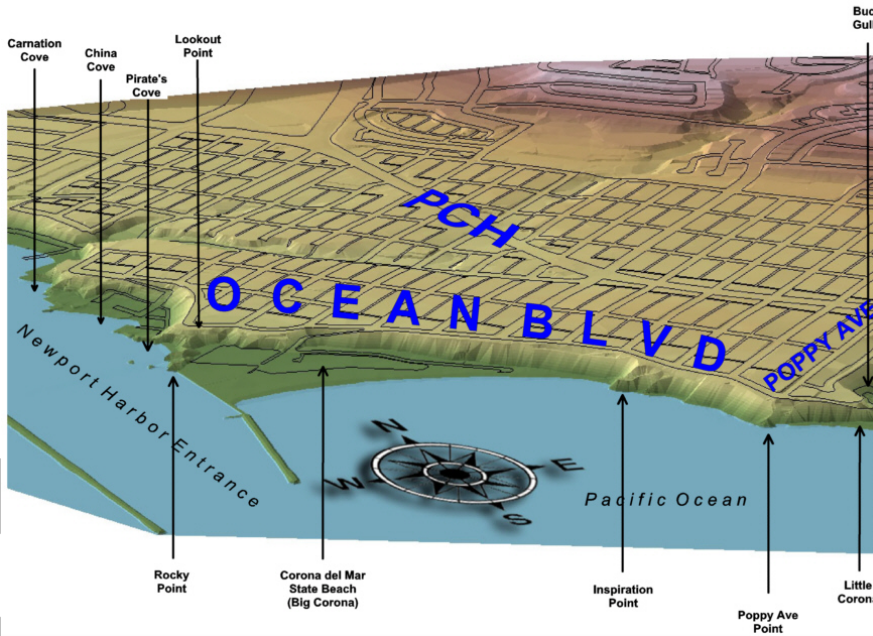
Pacific Drive



Carnation Cove



Coastline northwest of Little Corona

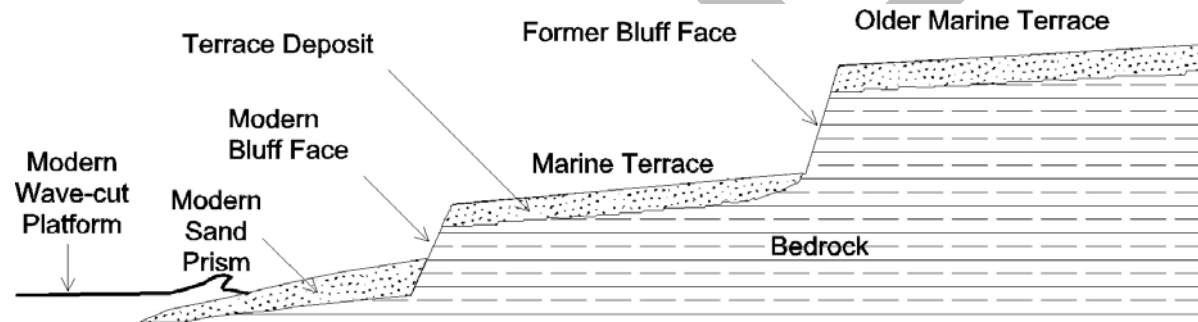


Definitions



A. Background

Coastal bluffs and sea cliffs are formed by a rapid uplift of the shore relative to sea level. When the relative uplift of the shore is slow or zero, a wave-cut platform is formed. In Corona del Mar, the marine terrace was developed when the wave-cut platform was uplifted in the geologic past by tectonic forces. Three marine terraces, representing successive shorelines, can be seen by driving toward the beach on MacArthur Boulevard. Erosion of the terrace during recent geologic time created the modern bluff face and shoreline.



Coastal bluffs are dynamic, evolving landforms. Bluff retreat may occur suddenly and catastrophically through slope failure involving the entire bluff, or more gradually through erosion (grain-by-grain or in relatively large blocks) by marine, subaerial, and ground water processes.

The California Coastal Act of 1976 contains provisions that require that new development be located and designed to minimize the alteration of natural land forms and to be visually compatible with the character of surrounding areas (California Public Resources Code Section 30251). In addition, the Coastal Act requires that new development assure stability and structural integrity and not contribute significantly to erosion and geologic instability. Furthermore, new development is not to result in the destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (California Public Resources Code Section 30253).

Implementation of Coastal Act policies is accomplished locally through the certified Local Coastal Program (LCP). The LCP recognizes coastal bluffs as significant scenic and environmental resources that are to be protected. Coastal bluffs also present a significant hazard due to their inherent geologic instability and susceptibility to erosion.

The General Plan recognizes coastal bluffs as scenic resources. General Plan policies require that new buildings and structures be controlled and regulated to preserve public views and minimize landform alteration. General Plan policies also encourage the preservation of the City's non-coastal, significant natural landforms along bluffs, cliffs, and canyons through regulation of development.

B. Definitions

Definitions taken from the City's certified Local Coastal Program and appear in *italics*. Additional information and illustrations are provided for clarification, but are not part of the definition.

Bluff

A scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, or folding of the land mass with 10 feet or more in vertical extent.

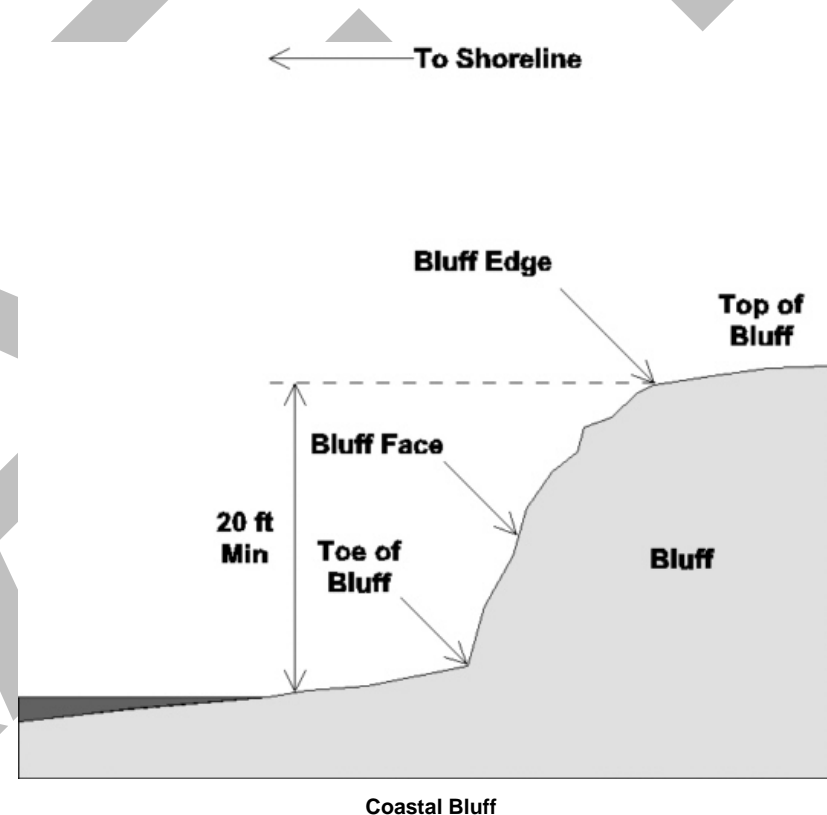
A bluff will generally have a gradient of at least 50 percent (50 feet of vertical distance for each 100 feet of horizontal distance) with a minimum elevation differential of 20 feet.

Bluff, Coastal

A bluff overlooking a beach or shoreline or that is subject to marine erosion.

To overlook a beach or shoreline, the toe of the bluff need not be on the beach or shoreline. However, if there is significant distance or substantial development between the toe of the bluff and the beach or shoreline, the bluff is not considered a coastal bluff. Similarly, a bluff is not considered a coastal bluff if there is intervening development to the extent that the bluff is no longer affected by marine erosion processes.

Where a site is bounded on at least one side by a canyon, the coastal bluff edge is the portion of the site that drains directly into the ocean. The portion of the site that drains first to the canyon (landward of the divide between the drainage to the ocean and the canyon) is not considered a coastal bluff.

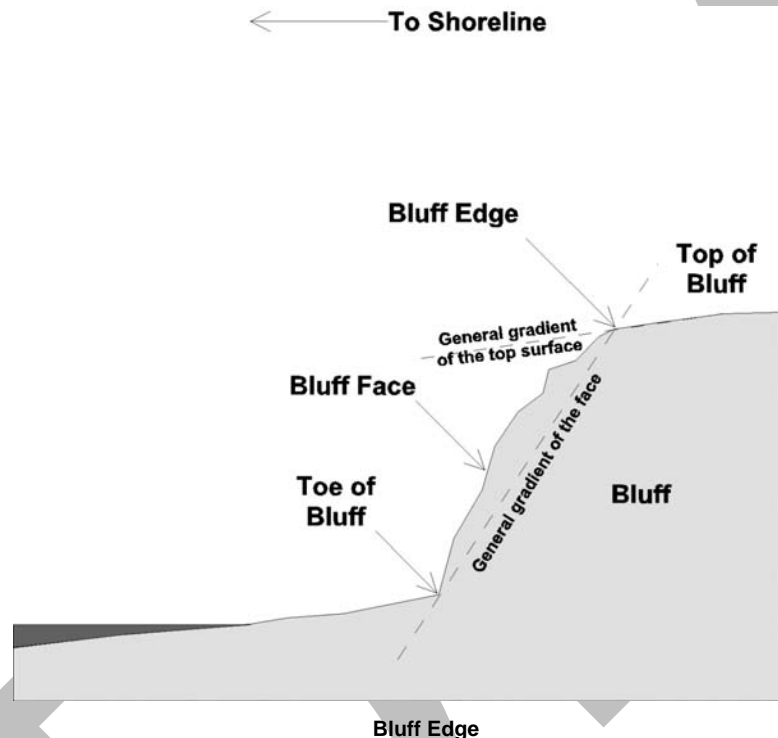


Corona del Mar Bluff Development Guidelines

Bluff Edge

The upper termination of a bluff, cliff, or seacliff: In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

Where a site is bounded on at least one side by a canyon, the coastal bluff edge is the portion of the site that drains directly into the ocean.



Bluff Face

The portion of a bluff between the bluff edge and the toe of the bluff.

Clast

An individual constituent, grain, or fragment of a sediment or rock, produced by the mechanical weathering (disintegration) of a larger rock mass.

Cliff

A high, very steep to perpendicular or overhanging face of rock.

Coastal View or Viewshed

A view to or along the ocean, bay, harbor, coastal bluff, or other scenic coastal area.

Marine Terrace

A flat or gentle seaward sloping wave-cut bench, which is a remnant of an old coastline. Marine terraces are conspicuous along most of the California coast where uplift has occurred.

Sea Cliff

A cliff or slope produced by wave erosion, situated at the seaward edge of the coast or the landward side of the wave-cut platform, and marking the inner limit of beach erosion. It may vary from an inconspicuous slope to a high, steep escarpment.

Viewshed

The area visible from a defined observation point

Wave-cut Platform

The near-horizontal plane cut by wave action into a bedrock formation at the shoreline.

Environment

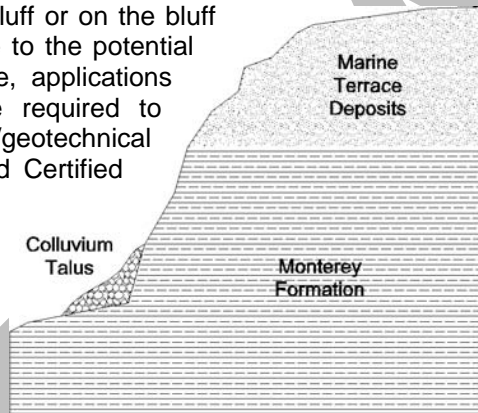


Corona del Mar Bluff Development Guidelines

A. Soils and Geology

The bluffs of Corona del Mar consist of Monterey Formation bedrock overlain with marine terrace deposits. The Monterey Formation consists of siliceous marine shales, marine sandstone, and siltstone. The sandstone beds are resistant and cliff forming, while the siltstone beds are less resistant and form steep talus-covered slopes. The marine terrace deposits are massive to crudely bedded, consist of medium to coarse sand with a trace of pebble-sized gravel, and are friable and locally loose. A resistant shell bed marks the base of the terrace deposits. At the base of the bluffs is a mantle of colluvium. It consists of angular, pebble- to boulder-size clasts of sandstone and siltstone.

Development on top of a bluff or on the bluff face is inherently risky due to the potential for bluff failure. Therefore, applications for new development are required to include a geologic/soils/geotechnical study signed by a licensed Certified Engineering Geologist or Geotechnical Engineer. This study identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.



Bluff cross section

B. Bluff Retreat

Bluff retreat is the landward migration of the bluff or cliff edge by wind, surface runoff, and ground water erosion. Coastal bluffs can be impacted by processes at both the bottom and top of the cliffs.

Pounding of the waves during high tide and storm surges can undercut the base and lead to eventual collapse of the bluff.

Although relatively stable in historic times, the Corona del Mar bluffs are generally susceptible to soil slips and slumps, especially during winters of heavy and prolonged rainfall. Furthermore, irrigation from development can weaken bluffs by increasing the weight of sediments and lubricating fine-grained layers in the sediments or bedrock forming the bluffs, leading to failure as a result of landsliding.

The Corona del Mar coastal bluffs are generally protected from ordinary wave action. The bayfront coastal bluffs are subject to limited erosion from wave and tidal action. The East Jetty at the harbor entrance acts to hold the sand of the Corona del Mar State Beach in place, providing a wide buffer from wave action



Sea cave and landslide at Little Corona

from Rocky Point to Inspiration Point. Both the West Jetty and the East Jetty shelter the shoreline from westerly swells and waves. Offshore rocks and the mantle of colluvium also protect the base of the coastal bluffs from normal wave action. However, the shoreline is exposed to southeasterly to southwesterly swells. Coastal bluffs are also susceptible to erosion from anomalous high swell and wave events, especially when combined with high tides. Wave action has formed sea caves and notches at the toe of the bluffs southeast of Inspiration Point. Continued erosion over time will enlarge these features and eventually trigger their collapse. The erosion process is typically initiated by episodic storm events. The process is very slow, but progressive.

C. Erosion Control

Although bluff retreat is a natural process, the rate of erosion can be accelerated by improper landscaping, irrigation, and maintenance practices.

Landscaping and Irrigation

The geologic instability has increased with the urbanization of bluff areas due to increased irrigation to maintain lawns and non-native vegetation. This irrigation has led to a slow, steady raise in the water table, saturating bluff-forming materials. Overwatering increases the weight of the sediments, lubricates any joints or fractures that can act as planes of weakness, and increases the chemical dissolution of the underlying rocks. This progressively weakens bluff material resulting in slides and block falls. Landscaping areas near the bluffs with drought-resistant plants that require little or no watering should be encouraged.

- ❖ *Landscaping materials should consist of native, drought-tolerant, or other vegetation that thrives on seasonal rain and natural coastal moisture and requires minimal watering.*
- ❖ *Lawns and similar water-dependent ground cover should only be permitted subject to strict watering requirements.*
- ❖ *Automatic irrigation systems should not be permitted within forty (40) feet of the bluff edge unless the systems incorporate automatic shut-off valves and weather- and moisture-based irrigation controls.*
- ❖ *Drip, mist, micro-spray, and other very low flow irrigation devices of irrigation systems should be used within forty (40) feet of the bluff edge.*
- ❖ *Irrigation systems should be periodically inspected and repaired.*

Drainage

Uncontrolled surface runoff, if allowed to flow over the top of the bluffs, can cause extensive erosion in the form of rills and gullies and weaken surficial materials. Roof and deck drains can convey runoff away from the bluff face. Subsurface drains installed below the effective root line of most landscaping plants in areas near the bluffs collect the extra rainwater and irrigation water not utilized by plants. These practices will prevent a rise in the local groundwater level that can lead to increased erosion or failure of the bluffs.



Drain empties onto the bluff face and beach

- ❖ *A runoff and drainage control plan should be required for all new development.*
- ❖ *Subsurface drains should be used to collect excess rainwater and irrigation water.*
- ❖ *Drainage systems should be designed to convey surface and subsurface water away from the bluff edge and, if possible, to a public street or public storm drain or sewage system.*

Corona del Mar Bluff Development Guidelines

- ❖ *Drainage over the bluff edge or through the bluff should only be permitted when there is no feasible alternative that is less damaging to coastal resources and when the drainage system conveys surface and subsurface water away from the bluff and to a public street or public storm drain sewage system. Discharge onto a beach or into the bay or ocean may be permitted when the drainage and outfall system is designed to prevent further erosion and impacts to public access and water quality.*
- ❖ *Drainage devices permitted on the bluff face should be placed below the surface whenever possible. Visible drainage devices should be located on the least visible areas of the bluff face, colored to match the natural conditions and screened with landscaping to be less visually intrusive.*

Shoreline Protective Devices

Shoreline protective devices, such as seawalls, revetments, and retaining walls, have historically been the most common approach to provide protection to the base of a coastal bluff from wave and tidal action. However, if not properly designed, these structures can restrict sand input from the bluffs and accelerate the erosion of the beach. The lack of a sandy beach buffer subjects the bluffs to further erosion from wave and tidal action leading to the eventual failure of the protective device and increased damage to the coastline. Protective devices also have potential for adverse impacts to public access and to the visual quality of the bluffs.

The California Coastal Act and the certified LCP permit the construction of protective devices only when required to serve coastal-dependent uses or to protect existing principle structures (i.e., a residential dwelling, required garage, or second residential unit) or public beaches in danger from erosion and only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The plugging or filling of sea caves and notches with concrete, slurry, grout or any other materials is another method used to prevent further erosion or to stabilize a bluff. Since this method alters a natural shoreline process, it is regarded as the equivalent of a seawall by The California Coastal Act and the certified LCP. However, this method may be a preferable alternative to the construction of seawalls, bluff retaining walls, gunite covering and similar permanent, more intrusive armoring.

- ❖ *Protective devices should only be used if the property owner has taken reasonable steps, including erosion and drainage control measures, to protect the property.*
- ❖ *Protective devices should be constructed and maintained to (1) reasonably conform to the natural form of the bluff; (2) incorporate an exterior façade that will resemble, as closely as possible, the natural color and texture of the adjacent bluffs; and (3) where appropriate, incorporate landscaping that will blend in with the natural bluff vegetation.*
- ❖ *The filling of sea caves and notches should be conducted with a material colored and textured to resemble, as closely as possible, the natural color and texture of the adjacent bluffs and to erode at the same rate as the rest of the natural bluff face.*



Coastal bluff notch

Corona del Mar Bluff Development Guidelines

D. Views



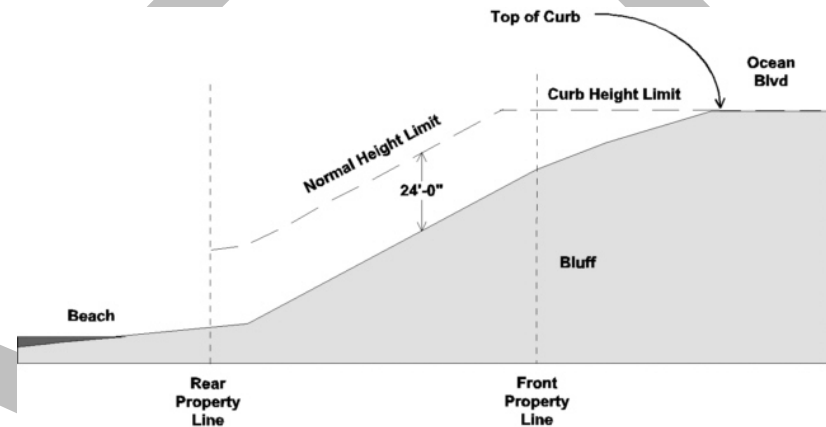
Coastal bluff homes at Inspiration Point

The Corona del Mar bluffs and shoreline are significant visual resources, both in terms of the visual quality of these landforms and as places to observe spectacular coastal views. Rising steeply from the shoreline, the bluffs are a prominent landform accentuated by rock outcroppings, marine sandstone points, notches, and sea caves. The shoreline ranges from wide, sandy beaches to platform reefs with offshore rocks, stacks, and arches. Public viewing areas offer scenic vistas of the Pacific Ocean and views of the harbor entrance, bluffs, and shoreline.

Public views from the Ocean Boulevard bluff top view park are protected by a dual height limit. Development is prohibited from intercepting a horizontal plan created by the extension of the top of curb line across each site located on the bluff side of Ocean Boulevard. In addition, development cannot exceed the standard height limit.

Corona del Mar is one of the few areas in the coastal zone where there is extensive development of the bluff face. The initial subdivision and development of these areas occurred prior to the adoption of policies and regulations intended to protect coastal bluffs and other landforms. Development is allowed on the bluff face to be consistent with the existing development pattern and to protect

coastal views from the bluff top. However, development on the bluff face is controlled to minimize further alteration.



- ❖ A site-specific visual impact analysis should be conducted for significant new development to determine and quantify impacts to the visual quality of the area and to visual access.
- ❖ New development proposed on property between the shoreline and a public park or roadway should not result in a reduction in a public view and, where feasible, should enhance or restore a public coastal view or potential public coastal view.
- ❖ New development should prevent an appearance of the public roadway being walled off from the ocean.
- ❖ New development proposed on property between the shoreline and a public park or roadway should incorporate setbacks that, in conjunction with setbacks on adjacent properties, form functional view corridors.

Representative public viewing areas and visual elements are identified in the following exhibits.

Corona del Mar Bluff Development Guidelines



Corona del Mar Bluff Development Guidelines



Corona del Mar Bluff Development Guidelines

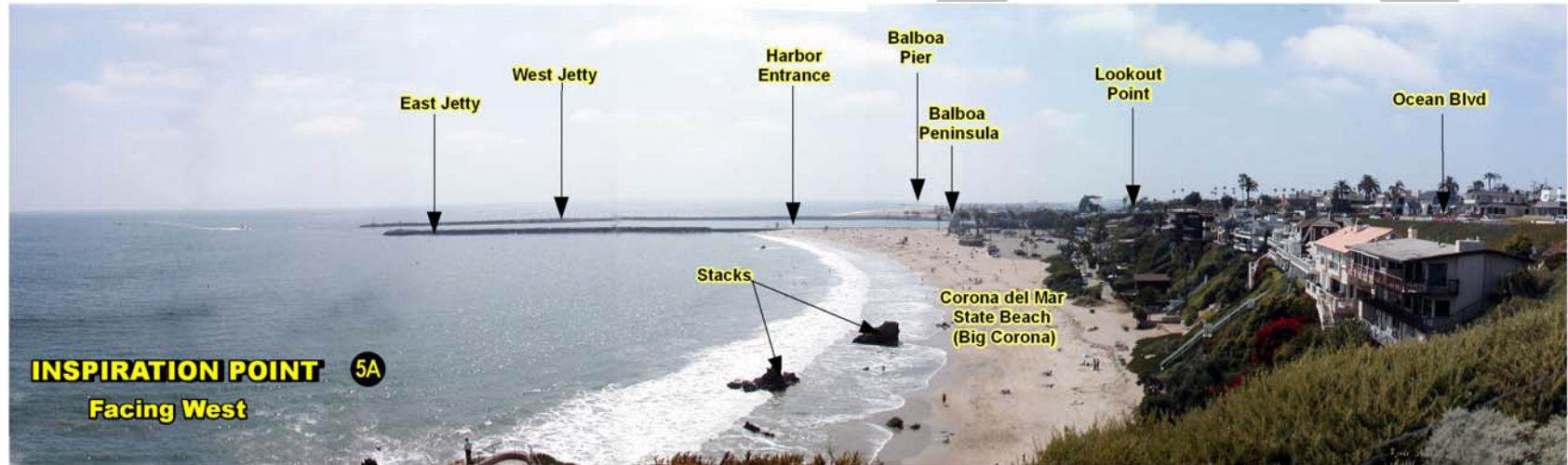


Corona del Mar Bluff Development Guidelines



Corona del Mar Bluff Development Guidelines









BLANK

Site Planning And Design



Corona del Mar Bluff Development Guidelines

The following site planning and design practices are intended to address the safety, aesthetic, and resource protection issues identified in these guidelines. They are intended to provide guidance to architects, engineers, builders, developers and landscape architects during the planning and conceptual development stages of their projects and assist in the evaluation of coastal development permits and other discretionary applications by the appropriate decision-making authority.

A. Line of Development

New development should not extend beyond the predominant line of existing development. The predominant line of development is *the most common or representative distance from a specified group of structures to a specified point or line*. In dealing with development on the bluff face, both a horizontal line (seaward extent) and vertical line (above the bluff base) should be considered. The horizontal line should be determined by calculating the median of the distance from the front property line to the furthest extent of each development type (i.e., building to building, deck to deck, etc.). The vertical line should be determined by calculating the median of the vertical distance from the toe of the bluff to the lowest (or in some cases, the highest) portion of the development.

In most cases, the line will be drawn to the seaward extent of development. However, some properties, such as those on Breakers Drive, are clustered near the toe of the bluff. Therefore, the line will be drawn upward from the toe of the bluff.

In selecting the group of structures to be used in the calculation, consideration needs to be given to variations in the topography. Structures constructed on points or around pocket beaches or gullies could skew the results. Therefore, measurements should be restricted to structures in similar topographic settings.



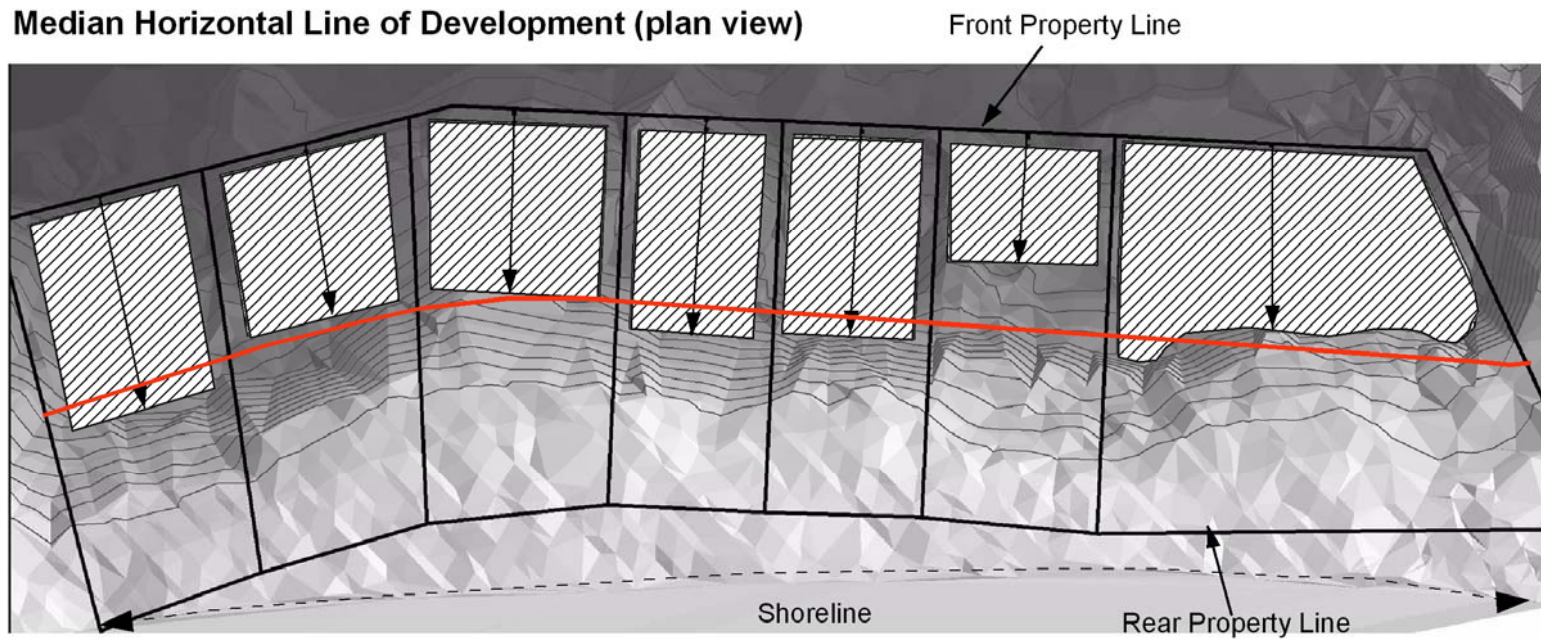
Typographic variation

The calculation of the median distances should be considered a starting point in determining the predominant line of development. The intent is to establish the most common or representative line of development within a given area and not an absolute development limit. Therefore, a certain level of subjectivity and judgment by the decision-making authority will be required.

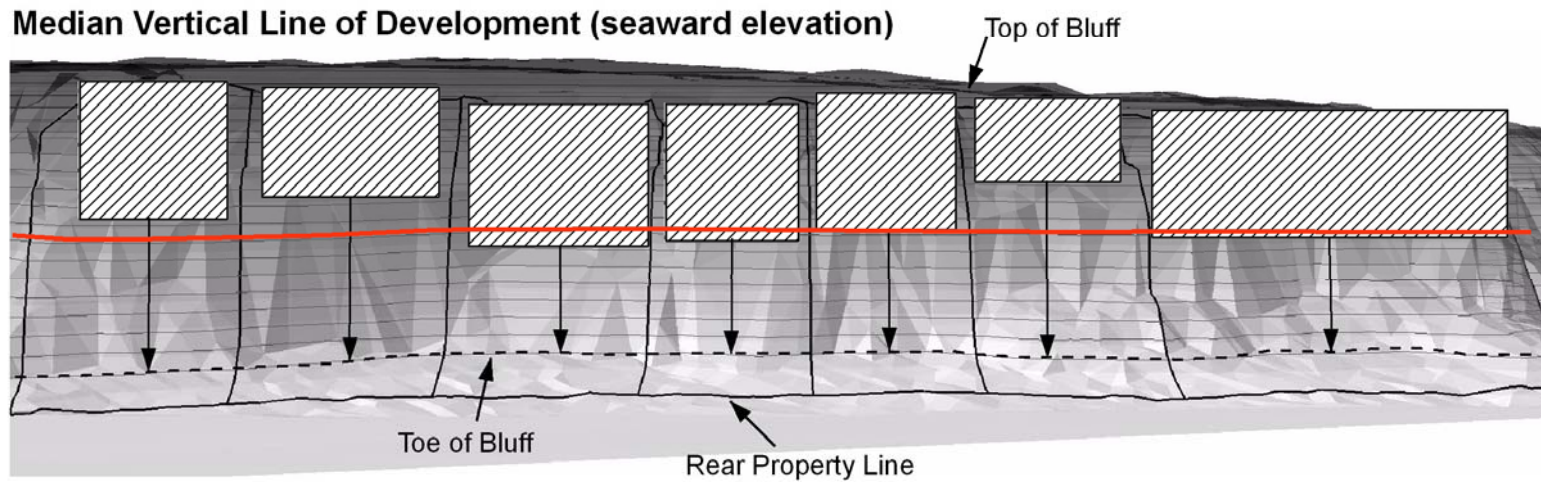
Exceptions to this method may be granted if alternative development siting is more protective of coastal resources or will protect, enhance, or restore public coastal views or other coastal resources. For example, a building site located beyond the predominant line may be permitted if this restores a public view or results in less overall alteration of the bluff face.

- ❖ *New developments should remain within the predominant line of existing development, unless alternative siting is more protective of coastal resources.*
- ❖ *The predominant line of development should include both a horizontal and vertical component.*
- ❖ *The predominant line of development should be drawn from alike structures (i.e., building to building, deck to deck, etc.).*

Median Horizontal Line of Development (plan view)

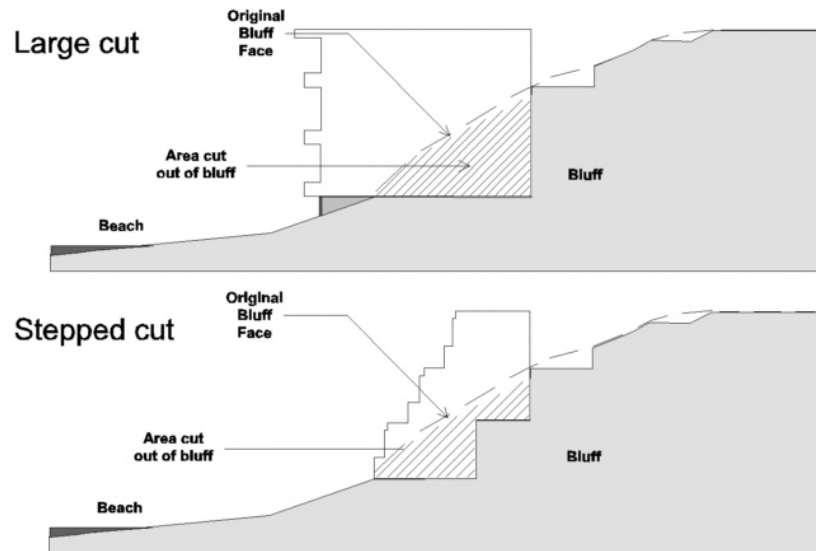


Median Vertical Line of Development (seaward elevation)



B. Grading and Foundations

Development on the bluffs should follow the principle of designing buildings to fit the topography rather than altering the topography to fit the building design. Special foundations, such as stepped, split-level, or cantilever designs should be utilized to minimize cuts into the bluff face.



- ❖ Buildings should be designed to fit the topography.
- ❖ Innovative building techniques should be used to reflect the natural topography of the site.
- ❖ To minimize grading, floor levels should be stepped to follow the bluff face.

- ❖ The vertical distance between the lowest point, where the foundation meets grade, and the lowest floor line of the structure should not exceed six (6) feet.
- ❖ Support structures, such as columns, pilings, etc., below the lowest floor on the downhill side of a building, should be enclosed unless visible structural members are an integral feature of the architectural design.

C. Building Mass

The apparent size of exterior wall surfaces, visible from public viewing areas, should be minimized through design features that will create horizontal and vertical articulation to create shade and shadow and break up otherwise massive forms.

- ❖ Buildings should be sited with different floor elevations to achieve height variation.
- ❖ Varied and contrasting horizontal and vertical building planes should be used to create various light, shade, and shadow patterns. Large, single form structures should be avoided.
- ❖ Large, unbroken expanses of wall and long building masses should be avoided. Instead, buildings should be designed with smaller or less massive building components that reflect the sloped character of the site.



Horizontal and vertical articulation can break up otherwise massive forms

Corona del Mar Bluff Development Guidelines

- ❖ *The use of single plane walls that exceed one level should be avoided. Instead, the upper level should be stepped back from the level below.*



Avoid single plane walls that exceed more than one level

D. Roof Form and Pitch

Roof design should be considered as important to the visual impact of a bluff structure as other aspects of design.

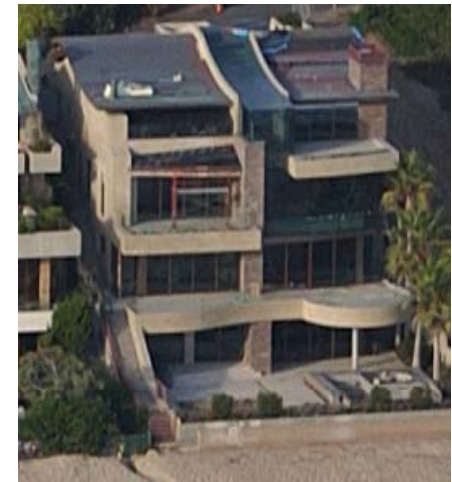
- ❖ *Roof profiles should mediate the building's scale and proportions.*
- ❖ *Multiple roof planes should be used to reduce the apparent mass of a structure.*
- ❖ *The pitch of sloped roofs should be designed to approximate the slope of the bluff.*
- ❖ *Minor roof structures (chimneys, vents, skylights, HVAC equipment, satellite dishes, etc.) should be designed as an integral part of the building design.*

- ❖ *Code-required chimneys, flues, and vents should be considered early in the design process and sited to minimize impacts to public views.*
- ❖ *Chimneys within a public coastal viewshed should be limited to the minimum size necessary to enclose the flue(s). Chimney caps should be limited to the minimum size necessary to be functional.*

E. Balconies and Decks

Balconies and decks should be integrated into the architecture of the building to the maximum extent feasible and should avoid the appearance as an "add-on" to the principle building mass. Large or long, continuous decks can have an overpowering visual effect, especially if they are cantilevered or supported by tall poles or columns.

- ❖ *Balconies and decks should be designed as an integral part of the building design.*
- ❖ *Overhanging or elevated decks and excessive cantilevers should be avoided. Stepped decks or several smaller decks should be used instead of a single, large deck.*
- ❖ *Decks on the roof areas of lower levels of the building should be used whenever possible.*



Integrate decks into the building design

Corona del Mar Bluff Development Guidelines

- ❖ *Poles, columns, and other visible vertical supports for decks should not exceed a height of six (6) feet above grade.*
- ❖ *Mechanical equipment may be placed below a deck only if the equipment is not visible from off the site.*

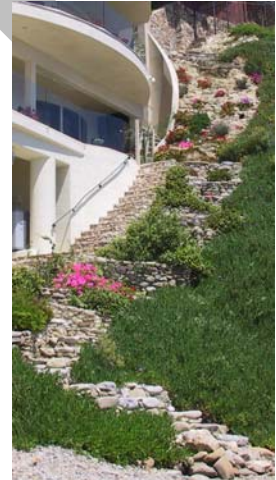
F. Accessory Structures

Accessory buildings and structures are incidental to the site's principal building. Accessory buildings include detached garages, storage buildings, gazebos, and covered decks. Accessory structures include fences, walls, uncovered decks, pools, and similar minor structures. Accessory buildings and structures should be designed as an integral part of a project and sited to avoid impacts to public views and adjacent properties.



Accessory structures on the bluff face

- ❖ *No accessory structures or other obstructions should be permitted that will impede public coastal views.*
- ❖ *Accessory structures should be designed as an integral part of a project; materials, color, and details should be the same as the principal structures on the site.*
- ❖ *Freestanding barbecues, fireplaces, and similar accessory outdoor living space structures should be located within, or as close as possible to, the development envelope of the principal building.*



Walls and steps integrated into the project design

- ❖ *Accessory structures located within areas susceptible to bluff erosion should be constructed in such a manner as to be easily relocated. Such structures should consist of light-weight materials and be capable of construction without the use of grading and/or continuous foundation components.*
- ❖ *Open fencing may be installed on the bluff top provided such improvements do not significantly obstruct public coastal views. Such fencing should not exceed thirty-six (36) inches in height, and should be constructed so that 90 percent of the fence surface area is open.*
- ❖ *Visible retaining walls should be terraced and should not exceed a height of six (6) feet above the grade.*
- ❖ *Private elevated stairways on the bluff face should be not be permitted. Steps built into the bluff face may be permitted as an alternative if they are located within the existing development envelope and sited and designed to minimize additional grading.*

Corona del Mar Bluff Development Guidelines

G. Color and Materials

Form, color and texture should be used to blend structures with the natural appearance of the bluff. Darker colors and natural earth tones are generally less visually intrusive than bright colors or colors that contrast with the natural bluff soils and vegetation.



- ❖ *An appropriate mixture of materials and color should be used to blend structures with the natural appearance of the hillside.*
- ❖ *The use of darker colors and natural earth tones should be encouraged to assist in blending structures with the natural appearance of the bluff.*
- ❖ *Colors and materials should be appropriate for the architectural style of the structure.*
- ❖ *Smooth, shiny, reflective surfaces should be discouraged.*

Darker colors and earth tones can help blend structures into the bluff

H. Landscaping

Bluff Face

The Corona del Mar bluff faces are mixed with introduced ornamental vegetation and native vegetation. Southern coastal bluff scrub is the native plant community of the Corona del Mar bluffs. This scrub community occurs on exposed bluffs and cliffs immediately adjacent to the ocean or bay and receives continuous wind and occasional salt spray. In addition to providing drought-tolerant plants for erosion control, landscape designs for the bluff face should provide for the protection of native bluff vegetation.

- ❖ *Landscape designs should include a transitional buffer between landscaped areas and native bluff vegetation areas.*
- ❖ *Invasive, non-native plant species that tend to supplant native species should not be used.*
- ❖ *Where feasible, existing native bluff vegetation should be incorporated into landscape designs.*



Native and introduced bluff vegetation

Bluff Top

On the bluff top, landscape designs need to emphasize the protection of public coastal views.

- ❖ *Landscaping may be installed on the bluff top or within a view corridor provided such improvements should do not significantly obstruct public coastal views.*
- ❖ *Landscaping materials should be selected and maintained so that during growth and at maturity, they will not obstruct public coastal views.*



Landscaping on the bluff top

I. Vehicular Access

In most cases, bluff properties are accessible only via bluff top public streets. The exceptions are double-frontage lots that have access from streets at the toe of the bluff, most notably at Way Lane in China Cove and Breakers Drive.

On Ocean Boulevard, curb cuts for driveways disrupt the sidewalks of the bluff top view park and reduce the potential number of on-street parking spaces. Therefore, it is important to keep the number of curb cuts to the minimum number needed to provide vehicular access to the bluff top properties. Shared driveways should be used wherever possible, such as in the 3300-3600 block, where only three (3) curb cuts are needed to serve eight (8) properties. Also, double-frontage lots should take access from streets at the toe of the bluff, whenever possible.

- ❖ *New curb cuts on Ocean Boulevard for residential driveways should not be permitted unless this is the only method of providing vehicular access to bluff top properties.*
- ❖ *Shared vehicular access to adjacent lots should be required, wherever possible.*
- ❖ *On Ocean Boulevard, double-frontage lots should take access from streets at the toe of the bluff, whenever possible.*



Shared driveway

J. Privacy

The Corona del Mar bluffs provide public viewing areas and access to shoreline, which has the potential to impact the privacy of bluff residences. In addition, the intensification of bluff development makes it increasingly difficult to preserve a visual separation and protect the privacy of neighboring residences. Nevertheless, bluff property owners must be afforded reasonable protection from intrusive visual observation and activities.

- ❖ *Public bluff top sidewalks, benches, and viewing areas should be designed and sited to maintain coastal views, while avoiding sightlines into private indoor and outdoor living space of adjacent residences.*
- ❖ *Privacy buffers should be provided between public accessways and adjacent residences. Privacy buffers can consist of setbacks, landscaping, fences, and/or grade separation.*
- ❖ *New development should respect the privacy of adjacent residential uses through appropriate building orientation and structure height, so that windows, doors, and other openings and balconies and decks do not overlook and impair the privacy of the indoor or outdoor living space of adjacent residences.*
- ❖ *The use of glass block or translucent glass may be appropriate to provide light while maintaining privacy between buildings.*
- ❖ *The need for screening elements, such as fences and walls, berms, and landscaping, should be considered early in the design process so that they can be effectively integrated into the overall project design.*

LCP Certification Committee Minutes

Coastal bluffs were discussed in detail by the LCP Certification Committee on two separate occasions, March 14, 2005 and April 11, 2005. The minutes for both meetings follows.

LCPCC Meeting of 3-14-05

The meeting was called to order at 4:07

Those present:

Chairman Ridgeway

Mayor Pro Tem Webb

Harbor Commissioner Corrough

Planning Commissioner Selich

Planning Commissioner Toerge

Patrick Alford

Patricia Temple

Sharon Wood

Cheryl Dunn

Members of the public: Kathleen Crum
Bill Meyer
Laura C. Curran

Mayor Bromberg was unable to attend

Patty Temple moved to approve the agenda
Approved unanimously

Chairman Ridgeway moved to approve the prior meeting's notes
Approved unanimously

Mr. Alford presented PowerPoint slideshow on defining coastal bluffs (see attachment)

Mr. Alford presented the definition for "coastal bluff" used by the California Coastal Commission (CCC) (California Code of Regulations – Section 13577). He then presented a geomorphic map of Newport Beach. He said that a bluff meets the CCC definition if it is subject to marine erosion or was subject to marine erosion within the past 200 years. He added that a bluff would also meet the CCC definition if the toe of the bluff is within the appeal area, noting that the appeal area is measured from 300 feet from mean high tide line and 100 feet from a stream or wetland.

Mayor Pro Tem Webb inquired about the difference between marine erosion and natural erosion from a stream bed.

Mr. Alford could not find a definition for marine erosion. However, used in the typical context of the CCC, it mainly refers to waves or tidal action.

Mayor Pro Tem Webb asked if the CCC interpreted that to mean other areas, such as Big Canyon.

Mr. Alford had not seen it applied to areas eroded by stream but mentioned the fact that because the Upper Bay is subject to some tidal action, it could be interpreted as such. Still, the evidence suggests that it was created by the Santa Ana River.

Laura Curran asked if it also takes into account current areas where water flow wasn't dammed up, restricted through man-made interaction.

Mr. Alford replied that there was nothing like that in the Coastal Act administrative regulations. He added that he was unaware whether any CCC office has interpreted erosion that way.

Referring again to the slide presentation, Mr. Alford said that the Coastal Act sections cited in Section 13577 (CCR) deal with issues of: Delegation of authority, permit requirements, and appeals. He added that Section 13577 (CCR) does not cite any of the sections in the Coastal Act that deal with resource protection. He said that an argument was made that the Section 13577 (CCR) definition was written broadly for the original intent of dealing with authority on coastal permits, whether the permits are subject to appeal, and if a coastal permit is required. He said that for this reason, the City's definition in the CLUP defines a coastal bluff as "a bluff overlooking a beach or shoreline or that is subject to marine erosion" and limits the CCC's definition for purposes of establishing permit and jurisdictional boundaries only. Mr. Alford recommended that the Committee keep in mind both definitions: City's definition in the CLUP and the CCC's own definition.

Chairman Ridgeway asked about several areas without shoreline or beach.

Mr. Alford referred the Committee to various aerial photos as part of the presentation to provide clarification.

Ms. Temple asked if, in the initial review of the CLUP, the CCC addressed this issue in their comment letter.

Mr. Alford responded that they had not.

Referring to an 1854 map of Orange County, Mr. Alford pointed out several geographic reference points, including Huntington Beach, Costa Mesa, and the Santa Ana River, to demonstrate the pre-peninsula shoreline. Mr. Alford then referred to a more accurate map, an 1875 Coast Guard Survey referencing the original shoreline and the formation of the peninsula.

Mr. Alford continued that in prehistoric times, the Santa Ana River or its ancestor carved out the Upper Bay and Submarine Canyon. Over the course of thousands of years, the river shifted back and forth across the coastal plains. Around 1825, heavy rains shifted it back down to form the peninsula. Mr. Alford mentioned that the previous information is relevant in the sense of what coastline was subject to marine erosion.

Referencing the slide presentation:

- A 1910 painting illustrates that bluffs are still prominent land forms.

- A 1939 map illustrates that bluffs are still prominent, yet much more reclaimed land separates bluff areas from the water.
- A 2002 aerial photograph of Banning Ranch shows bluffs in three main areas: Old wetlands area; old river channel; along Coast Highway.

Using the City's definition, Mr. Alford cited the Banning Ranch slide, stating that the coastal bluffs in Banning Ranch are limited to those along the shoreline.

Mayor Pro Tem Webb questioned whether the bluffs were caused by the river or by marine erosion.

Mr. Alford remarked that even the original shoreline may have been exposed at one time. He added that the slough is an estuary and there is some tidal action.

Mr. Alford referred to an aerial photo of the area of Banning Ranch along Coastal Highway, where the bluffs are not on a shoreline nor on a beach, so they may not be considered coastal bluffs according to the City's definition

Cora Newman (public) arrived at 4:23 pm.

Mr. Alford referred to an aerial photo (late 1920's to early 30's) displaying the area along Coast Highway including Hoag Hospital. Remarking on the reclaimed land separating the bluff areas from the water, he stated that the bluffs do not overlook shoreline or beach and are not subject to marine erosion, so they would not be considered coastal bluffs by the City's definition.

Ms. Temple asked the Committee to keep in mind that the CCC definition for coastal bluffs is found in a section intended to define permit authority only. Under the California Code of Regulations, the definition was developed solely to provide the opportunity for coastal permits in areas subject to that definition.

Mayor Pro Tem Webb emphasized the importance in having a definition that the City is comfortable with in the issuance of permits.

Ms. Temple recommended that the City use the broader definition in the California Code of Regulations in determining when something was in an appeal area or required a coastal permit, for consistency.

Mr. Alford expressed that the CCC has had no problem in using, for jurisdictional and permit authority purposes, the definition in their own policy as a resource protection (referencing Bayview Landing – wetlands,) applying the one parameter test.

Mr. Alford returned to the slide presentation of Castaways and Dover Shores in the 1950's. At this time, the bluffs were still intact. The photo revealed that the slopes had been remanufactured.

- Castaways – original condition/natural state

- Dover Shores – original condition/natural state

Ms. Curran questioned the term “natural state” when referencing the geological formations in conditions where the habitat has been altered.

Referencing the CLUP, Mr. Alford stated that if the bluff has minimal alteration, then it is considered to be a natural coastal bluff.

Mr. Alford continued the presentation:

- A 1952 aerial photo of Upper Bay showing the future areas of Eastbluff, Big Canyon, Park Newport, and Harbor Cove
- A 1950's aerial photo of Eastbluff – by and large, the bluffs were protected by subsequent development
- A photo of Eastbluff (taken from Back Bay Drive in 2002) - minimal alteration

Mr. Alford posed the question: “Where does the coastal bluff end?” Erosion caused by inland stream would not be considered marine erosion unless there was some tidal action involved. He pointed out an area of distinction between bluffs subject to marine erosion and those with creek bed erosion. He reminded the Committee to keep in mind; the CCC appeal area is 100 feet from edge of stream or wetlands.

Mr. Alford continued the presentation:

- A 1923 aerial photo showing the Bayside shoreline - Minimal alteration and may be considered an historic coastal bluff
- A 1958 aerial photo – Development of Promontory Pt. and Irvine Terrace results in a non coastal bluff area with man-made slope and no marine erosion
- A current photo of Irvine Terrace taken from the water
- A current photo of the 2300 Block of Pacific Drive – Could possibly be considered a coastal bluff since it could be argued that it is overlooking a beach. However, it is not clearly defined and would fall into the “Maybe” category.
- A current photo of Carnation Avenue - The same goes for the bluffs on Carnation Avenue in the 200 block, facing inland
- Current Carnation Cove and China Cove photos – some will fall under “coastal bluff” since they overlook the shore
- 1931 Corona del Mar aerial photo – bluff near Breakers – bluff face in near original condition
- A series of current aerial photos of the Ocean Boulevard bluffs - largely altered bluff with extensive development

Chairman Ridgeway – Our code mentions 100 foot setback, but no where is there 100 feet of setback area.

Mr. Alford stated that the 100 foot setback applies only to natural areas, not altered ones, such as Banning Ranch and the Upper Newport Bay Marine Park.

Mayor Pro Tem Webb questioned Mr. Alford on areas where a number of houses are not set 100 feet back.

Mr. Alford explained that where a bluff has been preserved by open space, and there is development on the bluff top, the 100 foot setback does not apply. This includes East Bluff. The bluff face gets the most protection. Some areas require minimum 100 foot setback at bluff edge.

Mr. Alford continued the presentation:

- 2004 Cameo Shores photo – some alteration, fairly intact

Mr. Alford mentioned that in Corona del Mar, specifically Cameo Shores and Shorecliffs, the bluffs have had some form of alteration. So although they might be considered coastal bluffs by either definition (City's or CCC's), they are not in their natural state.

Discussion ensued on specific properties and their abilities to develop on bluffs.

Mr. Alford responded with two features in the policies and proposed regulations to protect bluff areas:

- Establish the predominant line of development
- Areas in natural form cannot be developed

Discussion ensued on properties where the protection did not seem to take effect. It was decided that in those areas, there were no existing regulations to prevent the type of development that took place.

Mr. Alford summarized by pointing out the areas not considered to be coastal bluffs, as well as those that qualified as being in their natural state.

Mayor Pro Tem Webb asked about the determination of setback with erosion in certain areas.

Responding to Mayor Pro Tem Webb, Mr. Alford referred to the definition of bluff edge as a starting point.

Mr. Alford stated that the intent of the CLUP and Implementation Plan is to protect the resource itself and to protect the areas from erosion, as well as to avoid disrupting the natural processes of erosion, per the Coastal Act.

Returning to the slide presentation, Mr. Alford continued to determine the following areas meeting the definition of coastal bluffs:

- Castaways – natural category
- Dover Shores – altered
- Areas protected by Harbor Cove and Eastbluff fall into the natural category
- Portions of Newport Dunes would probably meet the City's definition (with the exception of Bayview Landing - affected more by inland erosion than marine, due to marine erosion and historic overlooking of shoreline
- Promontory Point to Corona del Mar would not be defined as coastal bluffs
- Corona del Mar and Carnation Cove are developed but are considered coastal bluffs

Chairman Ridgeway and Mayor Pro Tem Webb requested a codified exhibit to determine coastal bluff areas.

Commissioner Selich recommended that the Committee look at all the bluffs that the City wants to protect. He added that some will apply to the LCP IP, while some may apply only to the Zoning Code. He continued that this would simplify the process for everyone to know which bluffs are subject to regulations. Additionally, Commissioner Selich stated that this was a way to regulate all projects in the bluff areas, whether or not they fall under the Coastal Zone.

Discussion ensued on regulated development in bluff areas inside and outside of the Coastal Zone.

Chairman Ridgeway channeled the discussion back to the areas within the Coastal Zone.

Mr. Alford referred to an exhibit of Cameo Shores properties demonstrating the median distance from the property line to the furthest extent of principal building. Predominant Line of Development includes similar lines drawn for detached buildings and accessory structures such as decks and stairwells.

Discussion ensued on the probability of tear downs and new construction.

Chairman Ridgeway mentioned concern over architects' potential attempts to re-interpret our definition to build out further on the bluffs.

Further discussion ensued on tear downs, remodels and reconstruction.

Mr. Alford conveyed the need to implement a policy that states the following: In the developed bluff areas, the extent of the development down the bluff face would be based on the predominant line of development. Mr. Alford continued that the City's formula involves coming up with a median based upon three lots on either side of the subject

property, while the CCC uses string line method. He recommended that the City consider larger areas to remove some of the anomalies that occur when one particular property skews the results.

Chairman Ridgeway questioned the point of measurement.

Mr. Alford responded that the measurement would go to the furthest extent of development.

Mayor Pro Tem Webb requested clarification on the calculation.

Chairman Ridgeway asked why not use average rather than median for calculations.

Mr. Alford explained that extreme cases can skew the results when using average.

Ms. Wood echoed Mr. Alford's response.

Referring to the exhibit, Mr. Alford reviewed a home in Dover Shores.

Ms. Temple replied that with the Zoning in that area, the bluff side setback is 6 feet, and that some people had built to the furthest extent, while others did not. She added that the real property line is generally at the top of slope, and that the County of Orange owns the bluff face. Referring to the exhibit, she pointed out the bluff faces that the County accepted from the Irvine Company.

Mr. Alford explained that CLUP policy states that the extent is tied to the predominant line of development. He gave the Committee options on how to approach the issue:

- Project-by-project basis with no standards
- String line method (potential problems with this)

Commissioner Selich requested that with any method used, lines should be drawn on a map to leave no room for interpretation. He added that in situations where homes are set farther back, he had concern as to the fairness of this process.

Mr. Alford mentioned an option to protect such properties by establishing the predominant line of development from the bluff edge, rather than drawing the distance from the front property line.

Commissioner Toerge echoed Commissioner Selich that now is the time to create maps with actual lines of allowed development area.

Ms. Temple commented on the previous CCC meeting, stating that CCC staff indicated that a map would create clarification and adding that some type of drawn line would ease the process.

Chairman Ridgeway – Commissioner Selich suggested some type of enabling language to measure the impact of anomalies.

Mayor Pro Tem Webb questioned the feasibility in using an average line.

Discussion ensued on the determination of line of development to preserve property owners' rights.

Chairman Ridgeway requested staff to provide results on a pending case of this type at the CCC.

Chairman Ridgeway requested an exhibit for each cliff area to determine what is just and fair.

Ms. Wood commented on the inability of using a standard formula of calculation, such as median, when creating a map and suggested finding an alternative method.

Mr. Alford asked what such lines should be based upon, and he referenced a similar situation in Oceanside. He recalled that the city dealt with the issue of new developments inching out further each time, and they ultimately adopted a string line map on a block-by-block basis.

Chairman Ridgeway recommended a fairly liberal stance which may require the use of average rather than median.

Ms. Wood argued that in some cases, the average may be tougher.

Chairman Ridgeway again asked for maps, as Commissioners Selich and Toerge had requested, with the creation of enabling language to address anomalies.

Discussion ensued on the use of aerial photographs without topographic information.

Commissioner Selich expressed that while it may seem difficult now, the maps would simplify the process in the future.

Commissioner Toerge echoed Commissioner Selich, adding that without the maps, City staff would spend a great deal of time creating narrative and still not have a clear means of determination.

Mayor Pro Tem Webb agreed.

Ms. Wood asked what would become the criteria for creating such maps.

Discussion ensued on the options and use of maps as well as language.

Commissioner Corrough questioned the rationality on dedicating such a large allocation of resources for one particular issue.

Chairman Ridgeway responded that if a map is not created, Planning Commissioners, Council Members and staff will spend many unnecessary hours trying to define this issue.

Further discussion ensued on the need for a map, protection of the bluffs, and property owners' protection.

Mr. Alford expressed concern that while drawing a line may alleviate some problems, the process will still require interpretation and may lead to more anomalies.

Commissioner Toerge responded that using a map would be far more objective than proceeding without one and would require much less interpretation than current policy allows for.

Discussion ensued on the feasibility of using maps versus language.

Ms. Wood agreed with Mr. Alford that individuals will still argue their cases and urged that criteria are necessary to avoid varied interpretation. A variance or exception provision in the language would provide for the anomalies.

Temple suggested that the Planning Commission might review the development on a case-by-case basis with conceptual guidance to avoid the use of variance or exception.

Chairman Ridgeway challenged Commissioner Selich and Commissioner Toerge to see whether the proposed IP language is workable and recommended a liberal interpretation while establishing a boundary line for development.

Referencing an exhibit, Mayor Pro Tem Webb suggested that the use of the front property line might do a disservice to certain property owners to prevent some anomalies.

Ms. Wood again requested criteria for establishing lines of development.

Discussion ensued on possible criteria for determining lines of development, whether creating a map or reviewing on a case-by-case basis.

Chairman Ridgeway requested that an exhibit be created.

Ms. Wood recommended making exceptions for protecting property owners in situations where excessive flat areas exist near bluffs or where there are narrow lots.

Discussion ensued on the need for exhibits.

Ms. Curran questioned how many anomalies exist in the scheme of things.

Chairman Ridgeway replied that there were not many.

Discussion ensued again on the use of maps versus language.

Ms. Wood recommended to the Committee to have Mr. Alford establish more exhibits using average, median and string line to demonstrate how the different methods affect the results.

Discussion ensued on the criteria to be used for the exhibits.

Mr. Alford recommended that the next meeting begin with Public Access, and then continue with coastal bluffs.

Meeting scheduled for Tuesday, April 5, 2005, at 3:00 pm

Adjourned at 5:52 pm

LCP Certification Committee
Meeting Notes

April 11, 2005
3:00 pm
Fire Conference Room

Those present:
Chairman Ridgeway
Mayor Bromberg
Mayor Pro Tem Webb
Planning Commissioner Selich
Planning Commissioner Toerge
Planning Commissioner McDaniel
Harbor Commissioner Corrough
Sharon Wood
Robin Clauson
Patricia Temple
Patrick Alford
Cheryl Dunn

Member of the public – Kathleen Crum

Meeting called to order at 3:04 pm

No corrections to prior meeting notes

Chairman Ridgeway moved to approve prior meeting's notes – Approved unanimously with abstention of Mayor Bromberg.

Mr. Alford reported that he had met with Anne Blemker and Karl Schwing on March 28 to discuss some of the CCC's concerns, similar to those when the CCC first reviewed the draft back in 2003/ 2004. He mentioned that there were no large policy changes; only some that may hint towards change, such as visitor-serving commercial uses and the possibility of putting specific development standards into the policy document. Mr. Alford had received comments from Ms. Blemker on the main chapters of the Land Use Plan (LUP). However, the CCC promised to have technical comments from the other staff to the City by Friday, April 8, and those comments have not yet been received. Mr. Alford stated that he is reviewing CCC's comments and responding to them, and he will speak with the CCC in detail at the next meeting on April 18, 2005. Mr. Alford noted the following dates and their significance:

- April 29: Expected receipt of CCC's draft recommended modifications to LUP
- May 16: Standing meeting with CCC to discuss LUP modifications
- May 19: Mail out for June CCC meeting

Mr. Alford stated that the extent of the comments will determine what action, if any, the City must take in order to make the June hearing.

Harbor Commissioner Corrough arrived at 3:08 pm.

Chairman Ridgeway asked if the June meeting was a realistic target.

Mr. Alford responded that it would depend upon whether the suggested modifications are substantial enough that Council should review and respond to them.

Chairman Ridgeway commented that even a single policy issue would have to be brought back to Council.

Discussion ensued on the degree of modification/revision.

Mayor Pro Tem Webb inquired about the nature of the CCC's comments.

Mr. Alford replied that of most concern are the comments in which the CCC has given no specific recommended modifications but hint toward something. For instance, they want certain policies clarified, and they want to know why the City is not using more emphasis on visitor-serving commercial in Balboa Village, which would potentially involve a land use change, requiring City Council's review.

Mr. Alford stated that the previously-mentioned deadlines are solely for the City's inclusion in the CCC report as part of the mail-out for the June hearing. The Committee would still have time to present its arguments to the CCC. If the CCC ignores such arguments and recommends approval with the modifications proposed by CCC staff, the Council would have the option of rejecting the modified LUP.

Mayor Bromberg agreed with Chairman Ridgeway that a proposed policy change must be brought back to Council.

Mr. Alford stated that having the entire City on board would provide an "official" response.

Ms. Temple added that once the CCC has issued the staff report with its recommendation, both staff and the Committee will assess the LUP status and how best to approach the CCC. She introduced the possibility of using an outside consultant.

Chairman Ridgeway recommended that Mr. Alford represent the City before the CCC.

Ms. Temple mentioned the possibility of hiring a particular consultant who is a former CCC Deputy Director to lobby the CCC.

Sharon Wood arrived at 3:12 pm.

Chairman Ridgeway asked who, from the CCC, was providing the comments on the LUP review.

Mr. Alford reported that comments were received only from Ms. Blemker.

Chairman Ridgeway requested that Mr. Alford provide feedback from a technical CCC review for distribution to the Committee prior to the next meeting.

Referring to the upcoming CCC public hearing, Mr. Alford stated that both private citizens and advocacy groups might attend and offer comments. He added that the Committee must take those comments into consideration, as well.

Mayor Pro Tem Webb asked about the potential hearing date.

Ms. Temple did not have the date but offered the following meeting locations:

- June - Huntington Beach
- July – San Diego
- August – Los Angeles

UPDATE: The June meeting will be held in San Pedro, and the August meeting will be in Costa Mesa.

Mr. Alford referred those inquiring about meeting dates to the CCC web site.

Chairman Ridgeway asked Mr. Alford about the IP discussion at the March 28th meeting with the CCC.

Mr. Alford responded that the IP had been discussed only indirectly. He stated that he had requested an example of an LCP that contains, in its policy document, the level of detail that the CCC was expecting, and that the CCC had not provided an example but had made reference to Malibu. Mr. Alford added that the Malibu document was highly detailed.

Chairman Ridgeway suggested the discussion move to Public Access.

Mr. Alford stated that Public Access would be contained in a new chapter of the Zoning Code, Chapter 20.74. In a brief description, Mr. Alford continued that the Public Access chapter was created to provide for criteria on which to evaluate a project to determine the extent of public access required.

criteria includes:

- Historic public use
- Land use
- Demand for access and recreation
- Obstructions
- Visual access
- Vessel launching, berthing, and storage
- Shoreline processes
- Other impacts

Mr. Alford reported the three distinct types of public access included in the chapter:

- Lateral
- Vertical
- Bluff top

Mr. Alford noted that exceptions were provided for projects that require coastal development permits (CDPs) and are automatically excluded from any requirements for providing public access. He mentioned that the In-lieu fee provision had not yet been removed but that direction had been given, at the previous LCPCC meeting, to eliminate this provision. Mr. Alford continued with the following provisions:

- Access title and guarantee
- Conveying public access
- Timing of improvements
- Maintenance and management
- Privacy buffers
- Posting
- Public access in environmentally sensitive habitat areas (ESHAs)

Mr. Alford concluded that the Public Access Chapter will provide valuable tools for future staff members, planning commissioners, and city council members who deal with CDPs and assist them in dealing with the issue of provisional public access and policy implementation of the Coastal Land Use Plan.

Chairman Ridgeway moved to discuss draft coastal bluff regulations.

Mayor Pro Tem Webb posed a question concerning first line of terrestrial vegetation. He asked about its legal standing and where the information had come from.

Mr. Alford stated that the reference had come from the Coastal Act and the Code of Regulations.

Mayor Pro Tem Webb questioned the point at which that reference takes priority. He expressed concern over the City's right to control land belonging to others.

Mr. Alford explained that this issue would be reviewed on a project-by-project basis, and the extent of access would have to be reviewed against all of the various criteria. Foremost, he said, would be the project's impact on public access, and other issues include public safety, protection of private property and security, and protection of sensitive coastal resources.

Referring to Chapter 20.74.050 A1a, Mayor Pro Tem Webb asked which option (of three given) the City shall choose when making a determination of lateral public access.

Mr. Alford replied that the determination should be made based upon the project's impact and the other factors previously mentioned, and the most appropriate option shall be selected.

Ms. Wood asked where that statement was referenced, stating that it appears to be an absolute requirement.

Chairman Ridgeway agreed that the section reads as mandatory.

Mr. Alford explained that a criterion in the next section is established to determine public access. He continued by referring to page 5 which provides criteria for each type of access and conditions for waiving the requirement even if there is a need for public access.

Mayor Pro Tem Webb asked where the first line of terrestrial vegetation is defined.

Mr. Alford replied that the definitions he'd seen are literal, translating to "land-based" or "not of the ocean". He stated that the intent is for natural vegetation but that he hasn't seen this definition to exclude plantings. Mr. Alford added that people are encouraged to plant native species.

Referring to the Peninsula Point area, Mayor Pro Tem Web posed a situation on which someone does not erect a wall to enclose their property. He asked if it means that the property owner could not have plantings, as it could be viewed as public access area.

Mr. Alford responded that he doesn't see a problem on the peninsula since the beaches are so wide.

Chairman Ridgeway pointed out that the statement is only made on vertical access but is not included on lateral access. He recommended the addition of this verbiage to lateral access.

Discussion ensued on whether the terrestrial vegetation would apply to both vertical and lateral access.

Mr. Alford concluded that most projects would fall under the "Exceptions" listed on page 4 and that it is doubtful that any type of project impacting public access would require additional dedication.

Referring to Section 20.74.040, Chairman Ridgeway questioned the legal standard in the case law on the decision where there is a nexus between the impact and the project. He stated that only cumulative or adverse impacts were referenced.

Mr. Alford replied that the term hadn't been used but that the entire section is intended to establish that nexus.

Ms. Clauson referred to Section 20.74.030, stating that the limitation on the requirement of access applies only when there is a cause or contribution to adverse public access impacts, which is the nexus.

Mr. Alford referred to Section 20.74.040, explaining that it is a methodology to direct staff, and if the matter were to go to a decision-making body, those deciding would have a set of criteria to determine those impacts.

Chairman Ridgeway referenced the lack of public access in Cameo Shores, contributing to adverse public impacts.

Commissioner Selich replied that vertical access exists.

Mr. Alford mentioned that these issues had come up before and were discussed previously. He had said that several things would protect Cameo Shores from becoming a major issue:

- Level of development may not rise to point of such access requirement
- Issues of public safety
- Impact of coastal resources and sensitive coastal resources in a protected area along shoreline

Mr. Alford added that the criteria placed in this chapter reinforces this issue. He asked if the Committee still want the in-lieu fee removed from the chapter.

Mr. Ridgeway replied that yes, the fee should be removed, adding that the number might become high.

Ms. Clauson commented that the fee must be supported by a report, required by uses intended, to establish what the in-lieu fee is and the basis for determination, as well as projects or need to impose such fee.

Mr. Alford asked if there were potential problems with the concept of in-lieu dedication.

Ms. Clauson remarked that it might work in situations, and she asked the Committee to ponder the number of cases that this may apply to, questioning the need for such an inclusion in the chapter.

Discussion ensued on the viability and potential uses for implementation of the fee.

Chairman Ridgeway moved to delete the in-lieu fee.

Further discussion ensued on in-lieu fee and dedication.

Commissioner McDaniel arrived at 3:17 pm.

Mayor Bromberg agreed on the removal of the in-lieu fee provision.

Ms. Wood reminded the Committee that the inclusion of the in-lieu fee in this document is written to provide situations in which the requirements for dedications would be found not feasible due to topographical or site constraints.

Referring to the Mariner's Mile walkway project, Commissioner Corrough commented that topographic site constraint issues arose during the discussion of the project. He said that some residents said that as long as the change would not impact their property, they would have no problem with the walkway. Commissioner Corrough asked if this is the type of occurrence where an in-lieu fee might occur or be useful, when the owners do not wish to modify their property.

Commissioner Selich said that it wouldn't be feasible to build a short segment of walkway.

Commissioner Corrough questioned whether the fee could satisfy only that section for which it was collected, or it could be pooled.

Discussion ensued on particular in-lieu fee cases.

Commissioner Toerge moved to remove the in-lieu fee.

All Committee members were in favor to remove the in-lieu fee.

Referencing Section 20.74-050 C1a, Mayor Pro-Tem Web asked about the exclusion of the public works facility.

Mr. Alford responded that public works facilities are treated differently from other facilities. He reminded the Committee that this section deals only with access, not the need for a CDP.

Moving to Section 20.74-050 C1e, Mayor Pro-Tem Webb requested clarification on allowable and excludable scenarios, such as replacement in the same location but with different materials.

Mr. Alford responded that the intent of this section was not to exclude that type of reconstruction but to protect from encroachment in situations where seawalls are replaced slightly ahead of the existing structure. He offered to amend the section so that it will not preclude particular building materials.

Chairman Ridgeway moved that Mr. Alford amend the section accordingly.

Referring to Section 20-74-050 A1b, Commissioner Selich asked what criteria helps to determine which lateral access is appropriate for a given situation.

Mr. Alford stated that each of the following policies must be considered when making the determination: Public safety, connectivity, and public impact on the demand for

access. He continued that the intention of this section is to deal with major obstacles to having such access on land.

Commissioner Selich asked if there was any criterion included in the Chapter to assist with the determination.

Mr. Alford answered that while there is no criteria included in the Chapter, there is enough guidance in the policies that one could weight the factors in reaching a decision.

Commissioner Selich asked if one method is preferable over the other.

Mr. Alford replied that on-land access is probably the norm and may be preferable and more practical.

Discussion ensued on a variety of lateral access methods and the preferred method.

Referring to vertical access, Mayor Pro-Tem Webb asked about the standard for providing vertical access.

Mr. Alford stated that he did not think that a standard was available to fit the City, due to the high degree of variation. He said that in most cases, there is ample vertical access. Mr. Alford mentioned that a fixed standard may bring up other issues, such as public safety and protection of resources, and that the determination should be made on a project-by-project basis.

Referring to Section 20.74.090, Mayor Pro-Tem Webb asked if 10 feet is a realistic number since many side yard setbacks are less than that.

Mr. Alford explained that the statement was qualified by the sentence following it which allows for separation through landscaping, fences or grade. He continued that since 10 feet is difficult in most cases, given lot size, this may be a limiting factor in how often vertical access is provided.

Discussion ensued on access in areas with less than 10 feet.

Referring to Section 20.74.050 A, Commissioner Toerge requested the addition of "as follows" after "salt marshes, sloughs shall be required." He also requested an addition in Section 20.74.050 2b of "vertical" prior to "access exists nearby." Commissioner Toerge also asked that "coastal bluff" be added prior to "access exists nearby" in 3c of the same section.

Mr. Alford responded that the phrase was used in the Coastal Act and that a deviation might lead to consequence.

Ms. Temple commented that the intent is to provide adequate access, and that may be achieved through a different type of access.

Chairman Ridgeway directed the Committee to Coastal Bluff Protection

Mr. Alford provided a PowerPoint presentation with maps to display coastal bluff areas, and he provided the following information:

The maps display areas identified in previous meetings where coastal bluffs are an issue. The other areas are either outside the coastal zone or don't meet the City's definition of coastal bluff. The following exclusionary areas, Banning Ranch and The Dunes, are covered by some type of Planned Community (PC) Development. Castaways, Upper Newport Bay, Eastbluff, Park Newport and Harbor Cove fall under existing PC's that have provisions for the protection of bluffs in those areas.

There are six, distinct neighborhood areas, dealing with coastal bluffs, that require a standard of protection. The following goals were considered in creating the exhibits for Coastal Bluff Protection:

- Implement the policies of the Coastal Act and the City's LCP.
- Objective
- Easy to understand
- Neighborhood-based
- Fair

The predominant line of development is the standard used, established by taking median or potentially average distance from the front property line to properties on either side of the development, and calculating the distance. The major problem encountered with this evaluation is that parcels widely vary in depth, and some are located further from the bluff edge.

The string-line method is the standard used by the CCC and is established by taking the string line from the various lots and pulling them straight across. The same problems exist with this due to the structural placement in regards to the depth of each parcel.

An illustration from the city of San Diego demonstrates another method using a contour line, measuring the distance from each neighboring property to the top of the bluff edge/face. The resulting line might provide a more useful measurement for development standards involving coastal bluffs. In using this method, bluff edge setbacks must be established for each area in question. However, a single, Citywide standard would not be appropriate in this case.

Commissioner McDaniel questioned the feasibility of using measurements taken from the bluff edge, as these vary tremendously.

Mr. Alford responded that the City of San Diego has created methods of determining bluff edge in a variety of scenarios, whether it involves a seawall, is terraced, or remains in its natural form. He recommended the possibility of the City creating a similar

methodology to be used in corporation with the line for the surrounding areas, based upon the predominant line of development. Mr. Alford stated that actual projects will have more refined information provided by the applicant.

Additional exhibits displayed the three options: Predominant line of development, string-line method, and predetermined bluff edge setback.

Commissioner Toerge expressed concern on the inequity of using the bluff edge setback method in every case. He recommended the possibility of utilizing a combination of methods to best suit each situation.

Chairman Ridgeway proposed the possibility of adding legal language to avoid unintended consequences that may arise.

Discussion ensued on the issue of fairness in determining the method of measurement.

Ms. Clauson stated that the adoption of the string-line method for view protection would be a zoning determination. She added that the protection of coastal bluffs would be a determination of how much of the bluff you want to protect.

Mr. Alford reminded the Committee that, under current standards, an applicant could potentially develop all the way down to the beach. He said that the Committee's goal is to come up with something reasonable to implement the City's policies. Echoing Ms. Wood, Mr. Alford continued that the main issues are the protection of coastal resources and public safety.

Mayor Bromberg suggested that a way to incorporate the equitable balance into the determination is to provide leeway through the addition of health and safety, as well as quality of life, clauses. He stated that issues would then become subjective and could be reviewed on a case-by-case basis.

Ms. Clauson cited a problem with the general quality of life or discretionary issues in that the City does not want to become involved in private view issues. To avoid this, she mentioned that the Council may want to protect certain areas of the City through the adoption of several methods.

Chairman Ridgeway and Mayor Bromberg agreed that Ms. Clauson's proposal makes sense.

Chairman Ridgeway suggested limiting such protection to the anomalies throughout the City, being specific to private views.

Mr. Clauson advocated the use of an approach, similar to the former Modifications Committee. She said that by adopting either the string-line or a combination of methods, coastal bluffs could be protected with the added clause of "where the extent of the development may be detrimental to adjoining property owners or neighborhood."

Chairman Ridgeway and Mayor Bromberg agreed with Ms. Clauson's approach.

Using the Butterworth case as an example, Chairman Ridgeway said that the Council found the objectivity particularly useful in determining the matter.

Mayor Pro Tem Webb argued that the Butterworth issue and the coastal bluff protection issue are quite different, with one being measured from the top of the bluff, and the other where the bluff is being built down. He also echoed Ms. Wood's comments that property owners with larger parcels should not be penalized to protect views of adjoining property owners.

Commissioner Toerge asked if there was validity in the use of an average or a means of combining various methods to soften the approach.

Mr. Alford stated that the direction taken by staff was to come up with a methodology that could be used as a basis of establishment. He agreed that a composite method may work as long as it remained consistent in each area. Mr. Alford remarked that a fixed point of reference or established criteria, such as a bluff edge, is easily definable. He urged the Committee to consider the importance of avoiding lines being drawn to fit each property owner's agenda.

Chairman Ridgeway redirected the Committee to identify the main goal, which is the protection of coastal bluffs to the extent that it conflicts with the City's zoning.

Ms. Wood responded that the protection of coastal bluffs does not conflict with the City's zoning, as it does not include the protection of private views.

Discussion ensued on the use of "detriment" to neighboring properties.

Ms. Wood asked if there are findings that the CCC must make to approve CDPs.

Mr. Alford responded that "yes," there are findings, and they deal mainly with consistency to the Coastal Act and protection of resources and provision of access.

Ms. Wood suggested adding the "detriment to surrounding properties" finding.

Ms. Temple commented on the previous meeting and the energy given to establishing a well-defined, objective standard. However, she stated, significant rebuilding of these homes will require a CDP, most likely, at the Planning Commission level. Ms. Temple continued that the process can be used for review and assessment of these proposals against criteria not contained in the City's Zoning Code. She stated that if criteria were added regarding detriment, the determination would be open to objectivity. Conversely, Ms. Temple continued, that it was the general understanding at the previous meeting that the Committee did not want to involve judgment in the decision-making process.

Discussion ensued on finding the determination of bluff face and the difficulty with creating exhibits.

Mr. Alford explained the difficulties involved with exhibits and remarked that these maps will not prevent interpretation for the following reasons:

- Measurement must be taken from certain point
- Aerial photographs have limitations
- Exhibits quickly become outdated due to development, erosion and other factors

Mr. Alford stated that the use of these tools now to establish a standard that is easily-definable, such as bluff edge, when paired with additional information provided in CDP application, will make the measurement much easier and more concrete.

Echoing Mr. Alford's comments of a previous meeting, Ms. Wood voiced concern over the creation of a line drawn on a map. She feared that it may lead property owners to challenge the line placement, push it farther out, and try to determine the City's original intent.

Mayor Bromberg responded that although it causes the City to make a judgment, the process without such direction is exhausting, just as the Planning Commission and City Council recently experienced. He urged that the Committee provide tools to help with the determination.

Mr. Alford continued the presentation with Dover Shores (slide), noting that the area would probably need to be broken into smaller components in order to have a standard that could be fairly applied. He referenced the open space that naturally breaks up the areas. Because of the areas unique characteristics, with property lines near the bluff edge, Mr. Alford offered an alternative method using the rear yard setback.

When asked what staff was proposing, Mr. Alford replied that in some ways, the property line is more restrictive than the distance from the bluff edge, in this particular area. He said that a different standard may be required for this area, based on the given factors, and that the basic concept is to establish a setback from a fixed point and base it on the predominant line of development.

Commissioner McDaniel asked about the geology in the area.

Ms. Temple discussed the issue of unpermitted encroachments onto county property.

Responding to Commissioner McDaniel, Mr. Alford mentioned a policy contained in the draft IP providing for a geology report to determine erosion rate. He said that it may require a greater setback if it turns out that it may erode a certain distance within a 75-year period.

Mr. Alford returned to the presentation and stated that the direction staff has taken is to end up with a standard appropriate for each neighborhood, alleviating the need for an exhibit.

Commissioner Toerge commented that staff's concept makes great sense.

Referring to the San Diego example, Commissioner Corrough asked if staff could prepare as many specific sections as have been discussed.

Mr. Alford replied that the examples in the San Diego guidelines represent scenarios, rather than site-specific properties, and help to measure each circumstance. He maintained that while the City could not customize to each particular area, there may be examples to provide guidance on how to interpret the measurement. Mr. Alford proceeded with the presentation, saying that by assuming criteria can be established for this area, it leaves only Ocean Boulevard to be discussed. He said that the unique characteristic about Ocean Boulevard is that the City has made the determination that the bluff face is going to be sacrificed to maintain public views. Mr. Alford reported that in areas such as this, a bluff edge or property line setback would not be appropriate. In CCC discussions, it was agreed that bluff face protection was not much of an issue in this area, and that property owners could build down the bluff face as long as the views were not adversely impacted.

Chairman Ridgeway asked how far down the bluff face one can build.

Mr. Alford replied that a different approach is needed for Ocean Boulevard, using either a string-line method or development of design guidelines for coastal bluffs that would take various criteria into consideration, such as predominant line of development for protection of the adjacent properties; aesthetics of land form alteration; and preferred construction methods. He stated that this set of guidelines could be used to make determinations for this area on a case-by-case basis.

Chairman Ridgeway repeated the question of how far down the bluff can one build.

Mr. Alford replied that rather than having a fixed standard, a set of criteria should determine what would be appropriate in each case.

Ms. Temple commented that Ocean Boulevard has a highly-disturbed bluff face, pointing out that even where there are no houses, a large number of accessory improvements exist. She added that the area is unusual in that some properties are building from the foot of the bluff, upward, which poses the question of "how far up", rather than "how far down".

Chairman Ridgeway remarked on the CCC feedback that as long as public view is maintained, there is no concern for the protection of the bluff.

To clarify, Mr. Alford conveyed that the CCC might understand the tradeoff, that the bluff may be sacrificed in order to protect public view.

Ms. Wood asked if the tradeoff had been articulated in the land Use Plan.

Mr. Alford replied that it had not.

Citing Ms. Temple's comments, Commissioner Selich said that development can either go from the top down or the ground up, and limitations are still required.

Mr. Alford asked whether there are preferable construction methods or other standards that future decision-makers could use to determine whether a project is consistent. He recommended the possibility of an outside consultant to establish guidelines.

The Committee agreed that it is a very unique area.

Discussion ensued on the potential to prevent certain development.

Mayor Bromberg urged staff to come up with an individual standard for Ocean Boulevard area and requested thumbnail sketches.

Mr. Alford said that the concern should be directed at the aesthetics of the roof surfaces, the structural view from the water and coastline, and other factors that establish the overall appearance to neighboring properties.

Ms. Wood invited Mr. Alford to review the Planning Commission's Coastal Bluff Development Guidelines for ideas.

Chairman Ridgeway moved to end discussion on Public Access and move to Bluffs, incorporating this meeting's discussions.

Next meeting scheduled for 3:00 pm on Tuesday, May 3, 2005.

Commissioner Toerge requested staff to distribute the Planning Commission document as soon as possible.

Meeting was adjourned at 5:00 pm.